

SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION
SOUTH CAROLINA MASSAGE THERAPY/BODYWORK PANEL
PANEL MEETING
SEPTEMBER 30, 2011

BOARD MEMBERS:

CAROLYN C. TALLEY-PORTER, CHAIRMAN

CHARLES STRICKLIN, SR.

LINDA PEARSON

JANET SHAW

LOU HASTINGS

JAMES SAXON, ESQUIRE

DEAN GRIGG, ESQUIRE

DORIS CUBITT, ADMINISTRATOR

LISA HAWSEY, ASSISTANT ADMINISTRATOR

This hearing held in Room 204 at the South Carolina Department of Labor, Licensing and Regulation, The Kingstree building, 110 Centerview Drive, Columbia, South Carolina, reported by Cecelia P. Englert, Verbatim Court Reporter and Notary Public in and for the State of South Carolina; said meeting/hearing being held on the 30th day of September, 2011, scheduled for 10:00 a.m. and commencing at 10:08 a.m.

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23 Court Reporter's note:

24 -- indicates interruption; incomplete phrases; trailing

25 off; unfinished sentences

1 MS. TALLEY-PORTER: At this time, we're going to call
2 the Massage Therapy/Bodywork meeting to order. And
3 public notice of this meeting was properly posted
4 at the South Carolina Massage Therapy/Bodywork
5 Panel office here at the Synergy Business Park in
6 the Kingstree building. Information was provided
7 for all requesting persons, organizations and news
8 media in compliance with Section 30-4-80 of the
9 South Carolina Freedom of Information Act. At this
10 time, we'll all stand and pledge allegiance to the
11 flag.

12 (Board members stand and pledge.)

13 MS. TALLEY-PORTER: Jan Shaw, one of the members, is not
14 here. So I'm actually not sure at this time why
15 she's not. She was supposed to be here, so do I
16 need to excuse her absence?

17 MS. PEARSON: She might come.

18 MR. SAXON: Just a motion for an excused absence.

19 MS. PEARSON: Wait.

20 MS. TALLEY-PORTER: Okay. I'll need a motion to excuse
21 her.

22 MR. SAXON: I mean, do you think she's going to be here?

23 MS. PEARSON: I think she's going to be here.

24 MS. TALLEY-PORTER: I think she'll be here.

25 MR. SAXON: Okay. Why don't you just hold --

1 MR. GRIGG: Just hold off.

2 MR. SAXON: Yeah. Hold off on that and we'll see if she
3 comes.

4 MS. TALLEY-PORTER: Okay. Panel members, have you read
5 the edited, the new minutes? Has everyone read
6 them?

7 MS. PEARSON: I have not because my computer would not
8 let me open any of the stuff from LLR. I don't
9 know why. It said some -- because of some type,
10 literally, type that was used, it deleted the file.
11 So I have not had a chance.

12 MS. TALLEY-PORTER: Do I hear a motion that we can pass
13 this right now and come back to it later, after
14 Linda has --

15 MR. GRIGG: Or can come back to it later --

16 MR. SAXON: You can just come back to it later.

17 MS. TALLEY-PORTER: Come back later. Okay. We'll do
18 that. We have Jan in here now. So good.

19 MS. SHAW: (Inaudible.)

20 MS. TALLEY-PORTER: Okay. At this time, I'm going to
21 quickly ask each panel member to introduce
22 themselves, because I know we have some folks here
23 that don't know us. So if we'd start with Lou.
24 Introduce yourself and where you're from.

25 MR. HASTINGS: I'm Lou Hastings. Massage therapist

1 practicing in Travelers Rest, South Carolina.

2 MS. SHAW: I'm Jan Shaw, massage therapist from here in
3 West Columbia.

4 MS. PEARSON: It's a lovely day in South Carolina, and I
5 am Linda Pearson from Spartanburg.

6 MS. TALLEY-PORTER: I'm Carolyn Porter from Greenville,
7 South Carolina.

8 MR. GRIGG: And I'm Dean Grigg, advice counsel.

9 MR. SAXON: I'm Jamie Saxon, advice counsel.

10 MR. STRICKLIN: I'm Charlie Stricklin, and I'm from
11 Charleston, South Carolina.

12 MS. TALLEY-PORTER: Okay. And I'd like for all the LLR
13 staff to introduce yourself, if you would.

14 MS. GLOVER: I'm Roz Glover, LLR.

15 MS. HAWSEY: Lisa Hawsey, LLR.

16 MS. CUBITT: Doris Cubitt, LLR.

17 MS. ENGLERT: Ciel Englert, Court Reporter.

18 MR. ANDREWS: Deleon Andrews, investigator, LLR.

19 MS. TALLEY-PORTER: And our visitors, if you'd stand and
20 start on the front with Doris. And state why
21 you're here.

22 MS. BANKER: I'm Debbie Banker, and I'm with the
23 National Certification Board for Therapeutic
24 Massage and Bodywork, and I'm a massage therapist.

25 MR. JACKSON: Brent Jackson, Central Carolina Technical

1 College. I'm just here to observe the meeting.

2 MS. PRIOR: Patrice Prior. I'm here to dispute a

3 licensure from South Carolina that I --

4 MR. SAXON: She's here for a hearing.

5 MS. PRIOR: I mean, I'm just here to defend myself to

6 the licensure of South Carolina, because I'm from

7 Pennsylvania.

8 MR. SAXON: Ms. Prior's here for an application hearing.

9 MS. TALLEY-PORTER: Okay.

10 MS. PRIOR: There you go.

11 MS. GOODWIN: Lane Goodwin. I'm with the South Carolina

12 Commission on Higher Education.

13 MS. ESCHLEMAN: Renea Eschleman from the Commission on

14 Higher Education, and I'm here because I like to

15 be.

16 MS. TALLEY-PORTER: We like you to be. She's my buddy.

17 Okay. Thank you very much. We're going to cover

18 some unfinished business today. And first we'll

19 probably have some new business. And you've met

20 the LLR employees. I specifically wanted everyone

21 to know that Ms. Cubitt, Doris Cubitt, is the new

22 director. So we'll be involved a lot with her.

23 We'll be calling on her for a lot of questions.

24 And, of course, our legal counsel, we appreciate

25 them being here today. We have some of you here

1 for a hearing today. So I think we're going to
2 probably have a good day. We'll try to get you out
3 of here as soon as we can.

4 MS. PEARSON: At this time, I'd like to make a motion
5 that the panel goes into executive session. We
6 have some legal counsel people here that we need to
7 talk with before we continue with our business.

8 MR. STRICKLIN: I'll second the motion.

9 MS. TALLEY-PORTER: Okay. We will be going into
10 executive session. And --

11 MR. SAXON: You need to take a vote. You got a second;
12 you need to vote.

13 MS. TALLEY-PORTER: Oh, I'm sorry. All in favor? I'm
14 not use to this.

15 BOARD MEMBERS: Aye.

16 MS. TALLEY-PORTER: Okay. Then we'll be going into
17 executive session. And you're welcome to stay, and
18 I know that you probably want to. We shouldn't be
19 long, so --

20 MR. SAXON: So don't go too far.

21 MS. TALLEY-PORTER: Don't go too far.

22 MR. SAXON: We'll come get you in just a few minutes.

23 MS. TALLEY-PORTER: Thank you.

24 (Executive Session.)

25 MS. TALLEY-PORTER: I'd like a motion to come out of

1 executive session.

2 MS. PEARSON: So moved.

3 MR. STRICKLIN: Second.

4 MS. TALLEY-PORTER: Second. All in favor?

5 BOARD MEMBERS: Aye.

6 MS. TALLEY-PORTER: We're going to call the Massage

7 Therapy/Bodywork meeting back to order and --

8 MS. BAILEY-GLOVER: Just a minute.

9 MR. SAXON: The minute-taker.

10 MS. TALLEY-PORTER: We came out of executive session and

11 we're --

12 MS. PEARSON: Should we say it again for the record?

13 MR. SAXON: She's got it on the -- as long as the court

14 reporter has it, that's the --

15 MR. GRIGG: You might want to tell Roz who made the

16 motion and seconded it.

17 MS. TALLEY-PORTER: It's made by Ms. Pearson, seconded

18 by --

19 MR. SAXON: Mr. Stricklin.

20 MS. TALLEY-PORTER: -- Mr. Stricklin.

21 MR. STRICKLIN?: Carolyn, do you want to get those

22 minutes out of the way?

23 MR. SAXON: Oh, yeah, now that we've got everybody.

24 MR. STRICKLIN: Everybody's here.

25 MR. SAXON: He's asking if you want to go ahead and get

1 the minutes out of the way, now that Jan's here.

2 MS. TALLEY-PORTER: Oh, yeah. Okay. We're going to
3 return back to the meeting. We had some revision
4 to the minutes. Has everyone read them now? Do I
5 hear a motion --

6 MR. STRICKLIN: I make a motion --

7 MS. TALLEY-PORTER: -- to accept these?

8 MR. STRICKLIN: -- to accept the minutes as written.

9 MS. TALLEY-PORTER: Do I hear a second?

10 MS. SHAW: Second.

11 MS. TALLEY-PORTER: All in favor?

12 BOARD MEMBERS: Aye.

13 MS. TALLEY-PORTER: Okay. All right. At this time,
14 we're going to hear from Ms. Cubitt, the
15 administrator.

16 MS. CUBITT: Yes. I'd like to thank you for the
17 opportunity, and it's been very nice to meet you.
18 If y'all have any questions, don't hesitate to call
19 me. I do have financial reports to hand out. And
20 there are three of them: There's one for June, one
21 for July, one for August. So you can tell what our
22 beginning balance was, what the total revenues
23 were. And I'll be glad to answer any questions
24 you've got about things that are on there. The
25 June one is for the complete fiscal year, July 1st

1 through June 30th. And the other two, of course,
2 are just for the month of July and the month of
3 August. And then your balance -- what your balance
4 is again.

5 You see transfers on there. That's where the
6 administration -- salaries for people in
7 administration and things like that, are charged
8 back on a percentage to various boards. The whole
9 administration is the Professional Occupational
10 Licensing, the administration of that. Your one
11 for June shows OLC, which was the Office of
12 Licensure and Compliance, and that office, you
13 won't have anymore charges for that office. We no
14 longer have that.

15 OIE is the Office of Investigations. Legal is
16 for attorney fees. Of course, everybody gives ten
17 percent of their annual expenditures to the general
18 fund.

19 MS. PEARSON: What was that number again, Ms. Cubitt,
20 the ten percent?

21 MS. CUBITT: Ten percent to the general fund.

22 MS. PEARSON: Okay.

23 MR. HASTINGS: And that's for all the boards.

24 MR. STRICKLIN: And how often is that done?

25 MS. CUBITT: Once a year.

1 MR. STRICKLIN: Once a year.

2 MS. CUBITT: It's whatever your annual expenditures were
3 for that fiscal year, then they make that transfer.

4 MS. TALLEY-PORTER: Is this money sitting somewhere
5 drawing interest, I hope?

6 MS. CUBITT: The money actually is in one big account
7 for all the --

8 MS. TALLEY-PORTER: All the boards.

9 MS. CUBITT: -- boards. Uh-huh. And I am not privy to
10 that part. But it's just there. But they give us
11 a report of your portion of it.

12 MS. TALLEY-PORTER: Has there been any discussion from
13 legislators that any of these funds would be,
14 because of the budget situation in South Carolina,
15 do you think that there ever would be a situation
16 where they would take money from boards?

17 MS. CUBITT: They have before, a couple of times. They
18 did this past year. You actually have a cash
19 transfer on June down at the bottom that they took.

20 MS. SHAW: Is there a cap on how much they can take?
21 Like a percentage of what's in the fund or
22 anything?

23 MS. CUBITT: No, ma'am.

24 MS. SHAW: I mean, can they take down to our last penny?

25 MS. CUBITT: I would hope not, but --

1 MS. SHAW: But they could.

2 MS. PEARSON: In theory.

3 MS. SHAW: In theory. But legally, they could.

4 MS. PEARSON: And could you kindly explain to me the
5 cash transfer number again, what that includes or
6 what that was for.

7 MS. CUBITT: The one in June?

8 MS. PEARSON: Yes, ma'am.

9 MS. CUBITT: Yes. That was where there was a transfer
10 to the legislators, and they took some from various
11 boards.

12 MS. PEARSON: Some?

13 MS. CUBITT: Yes, ma'am.

14 MR. STRICKLIN: And it went back into the general fund
15 in the State of South Carolina.

16 MS. CUBITT: I had heard that might happen, so --

17 MR. STRICKLIN: But we were not singled out. This was
18 done to all boards.

19 MS. CUBITT: Yes, sir.

20 MS. TALLEY-PORTER: Do you know whether or not we have
21 an ORI number?

22 MS. CUBITT: I'm glad you mentioned that. I don't think
23 we have that yet. I know that there had been some
24 conversations with Mr. Jones about that. And right
25 immediately in August when I started working with

1 these boards, I was contacted by that database, and
2 we are having an ongoing conversation. And I'm
3 working with legal on it. I anticipate that we
4 will get that resolved shortly and we'll report to
5 them. And I did explain to them that our orders
6 are public and that they're on our website, and I
7 gave them the link to the website. And so they're
8 already aware of all that. But we are working out
9 -- you have to get everything blessed, and I'm got
10 to get it blessed through legal, so I can --

11 MS. PEARSON: And so what is an ORI number?

12 MS. CUBITT: That's a number that the national databank
13 gives you to use in reporting your cases.

14 MS. PEARSON: Okay. Thank you. Okay. Thank you. I'm
15 glad to finally have some explanation on where our
16 member's/licensee's money is going because that's
17 been not answered, and I appreciate you giving us
18 some insight into our finances.

19 MS. CUBITT: You're welcome.

20 MS. TALLEY-PORTER: One other question. Will we be
21 working with you, as we worked with Mr. Jones? The
22 same way?

23 MS. CUBITT: Yes, ma'am.

24 MS. TALLEY-PORTER: So you've taken on --

25 MS. CUBITT: Yes, ma'am.

1 MS. TALLEY-PORTER: It's a little confusing because
2 you've got a higher title.

3 MS. CUBITT: Well, I'm administrator. And I thought
4 that was his title, but --

5 MS. HAWSEY: It was his title.

6 MS. TALLEY-PORTER: Oh, was it? Okay.

7 MS. CUBITT: I already had three boards. I have the
8 CPAs accountancy, funeral and cemetery. And then
9 with this, I picked up massage therapy --

10 MS. PEARSON: Cosmetology.

11 MS. CUBITT: -- cosmetology and barber. I probably
12 won't be your final administrator. But I have been
13 asked to step in, and it's for an unknown period of
14 time. And I also will serve as a mentor to whoever
15 would be the next administrator.

16 MS. TALLEY-PORTER: Okay. Does anybody other panel
17 members have any questions for Ms. Cubitt?

18 MR. STRICKLIN: No.

19 MS. TALLEY-PORTER: Well, if you don't have anything
20 else, then we appreciate your input today.

21 MS. CUBITT: Thank you.

22 MS. TALLEY-PORTER: Okay. On the advisory opinions, do
23 we have any advisory opinions?

24 MR. SAXON: I don't see anybody here from OGC, so I
25 guess not.

1 MS. TALLEY-PORTER: Okay. Legislative update. It was
2 reported at the last meeting, that the legislators
3 -- you know, we were aware of a bill that was in
4 that would tax services. I have a friend that's a
5 legislator, and I was made aware that the governor
6 might look at this again. So I would like to ask
7 the legal counsel to keep an eye on that --

8 MR. SAXON: Okay.

9 MS. TALLEY-PORTER: -- and let us know.

10 MS. CUBITT: That is something they've talked about for
11 several years, and that it picks up all people in
12 the service category -- doesn't it pick up attorney
13 Jamie and accountant?

14 MR. SAXON: I think pretty much anybody who provides a
15 service that they can tax.

16 MS. TALLEY-PORTER: Yeah. I know they're looking for
17 money and, you know, I understand all of that. But
18 I can tell you that the massage therapists are --
19 they don't make a lot of money anyway, so --

20 MS. PEARSON: It comes from the -- it comes from the
21 client.

22 MS. TALLEY-PORTER: Right. Yeah. It comes from the
23 clients. But I think it would be something that
24 they would want to know about. Okay. At this
25 time, we will move to --

1 MR. SAXON: Is there an investigative report?

2 MS. TALLEY-PORTER: Yeah, investigative report. Do we
3 have that? Oh, is Mr. Deleon in -- oh, okay, I
4 didn't see you. I'm sorry.

5 MR. ANDREWS: I don't think we've met.

6 MR. STRICKLIN: I'm Charlie Stricklin. I'm from
7 Charleston.

8 MR. ANDREWS: And I'm Deleon Andrews.

9 MR. STRICKLIN: Good to see you.

10 MR. ANDREWS: Nice to meet you, sir.

11 MR. STRICKLIN: Thanks for what you do.

12 MR. ANDREWS: Okay. And I guess I haven't been to the
13 board meetings in a while. I guess I've been on a
14 special project for the last two years or more.
15 But hopefully, within the next couple months, I'll
16 be back on massage and on a much more full-time
17 basis, okay?

18 The cases that our investigator Bobby Taylor
19 -- he's been doing most of the massage cases --
20 he's not here today, but I'm here to give his
21 report. Since the beginning of the year, we have
22 closed nine cases. And I think 1, 2, 3 of those
23 were in legal. And we also have currently six open
24 cases that Bobby's investigating.

25 We have one case that has gone to the IRC

1 since your last board meeting, and that one was
2 continued for further investigation. Any
3 questions?

4 MS. TALLEY-PORTER: Let me ask you this. The National
5 Certification Board is now giving schools. They're
6 sanctioning therapists and schools. Do you get
7 that report?

8 MR. ANDREWS: No.

9 MS. TALLEY-PORTER: Okay. I do. So I can request --
10 okay.

11 MR. ANDREWS: We would appreciate it.

12 MS. TALLEY-PORTER: Is there any other questions of the
13 panel for Mr. --

14 COURT REPORTER: I didn't hear you; somebody coughed
15 just as you said Bobby, who was the regular --

16 MR. ANDREWS: Bobby Taylor.

17 COURT REPORTER: Thank you so much.

18 MR. SAXON: And that's a good point for all of us. If
19 the court reporter can't hear us, it's a bad thing,
20 so --

21 MS. TALLEY-PORTER: Yeah. Sometimes I can't hear.

22 MR. SAXON: I can't either.

23 COURT REPORTER: And another thing too, if you're kind
24 of whispering to each other, if you want it on the
25 record, you've got to say it loud for me.

1 MR. SAXON: Well, if we don't, get our attention.

2 COURT REPORTER: And let everybody finish before you
3 start, so no talking over. So thanks so much.

4 MS. TALLEY-PORTER: Okay. We're going to move onto new
5 business. And I believe we have some folks here
6 today regarding applications. So at this time, is
7 Mr. Ma present?

8 MR. SAXON: Is Mr. Fulong Ma present?

9 MS. HAWSEY: I don't believe that he's here.

10 MS. TALLEY-PORTER: Okay. How about --

11 MR. SAXON: Ms. Prior?

12 MS. PRIOR: Yes.

13 MS. TALLEY-PORTER: -- Ms. Prior, yes. If you'd come
14 forward. We have information, so you can go ahead
15 and talk to us.

16 MR. SAXON: Well, she needs -- no, no, no. There's a
17 script to read, and she also needs to be sworn in.

18 MS. TALLEY-PORTER: Okay.

19 MR. SAXON: No, you stay.

20 COURT REPORTER: She's getting her I.D.

21 MR. SAXON: Oh, okay. I'm sorry.

22 MS. TALLEY-PORTER: Do I need to call the hearing to
23 order?

24 MR. SAXON: Uh-huh.

25 MS. TALLEY-PORTER: I need a motion at this time to call

1 the hearing to order.

2 MR. SAXON: You don't need to do that. You just call it
3 to order.

4 MS. TALLEY-PORTER: Okay. All right. This is all new.
5 We're doing things the right way now. Okay. This
6 is the matter of Patrice Marie Prior. Does any
7 member of the panel have reason to recuse him or
8 herself from consideration of this application?

9 BOARD MEMBERS: (No response.)

10 MR. SAXON: No.

11 MS. TALLEY-PORTER: There is none. The purpose of this
12 hearing is to determine whether the applicant
13 should be granted a license for Massage
14 Therapy/Bodywork Therapist. Everyone is reminded
15 that these proceedings are being recorded and that
16 all witnesses must be sworn before they testify.
17 All remarks should be directed to the chairman.
18 Ms. Cubitt, is the complete application package in
19 our materials?

20 MS. CUBITT: Yes, ma'am.

21 MS. TALLEY-PORTER: What questions did staff have
22 concerning this application?

23 MS. CUBITT: It's an out-of-state applicant with a
24 transcript of less than 500 hours.

25 MS. TALLEY-PORTER: Okay. Did staff subpoena any other

1 persons to be here today to answer questions we
2 might have?

3 MS. CUBITT: No, ma'am.

4 MS. TALLEY-PORTER: Okay. The applicant is present.
5 Are you represented by counsel?

6 COURT REPORTER: You need to swear her in.

7 MS. TALLEY-PORTER: Excuse me?

8 MR. SAXON: We will before she starts.

9 COURT REPORTER: Okay. Great.

10 THE WITNESS: I am not represented --

11 MR. SAXON: Little bit louder.

12 THE WITNESS: I am not represented by counsel, if that
13 was the question.

14 MR. SAXON: Were you aware that you had the right to be
15 represented by counsel?

16 THE WITNESS: No.

17 MR. SAXON: You received notice of today's hearing?

18 THE WITNESS: Yes.

19 MR. SAXON: And did that notice not indicate to you that
20 you could be represented by counsel?

21 THE WITNESS: I don't see anything in this letter that
22 says that.

23 MS. CUBITT: We may need to get that letter --

24 MR. SAXON: Yes.

25 MS. CUBITT: -- the letter that goes out.

1 MR. SAXON: Two things can happen now. You can choose to
2 represent yourself, which is perfectly acceptable.
3 Or you can request a continuance, if you would like
4 to hire an attorney to bring with you.

5 THE WITNESS: I'll represent myself. Thank you.

6 MR. SAXON: So you are waiving your right to an
7 attorney.

8 THE WITNESS: Yes.

9 MR. SAXON: And you are doing that voluntarily, without
10 pressure from anyone; is --

11 THE WITNESS: Yes.

12 MR. SAXON: -- that correct?

13 THE WITNESS: Yes.

14 MR. SAXON: Because I want you to know that if you would
15 like a continuance, that's perfectly acceptable.

16 THE WITNESS: I'm fine with it.

17 MR. SAXON: Okay.

18 THE WITNESS: Thank you.

19 MS. TALLEY-PORTER: Ms. Prior, do you have any witnesses
20 you call to speak on your behalf?

21 THE WITNESS: No. I just have the paperwork with --

22 MS. TALLEY-PORTER: Okay.

23 MR. SAXON: And if Ms. Porter doesn't mind, I'll
24 interrupt at this point. Because you are not
25 represented by counsel, we have certain ways of

1 doing things here. And we're going to follow
2 those, even though you don't have counsel. But if
3 you've got questions, don't hesitate to ask them.
4 If you're steering in a way that might not be
5 appropriate, I'll gently bring you back into the
6 path.

7 THE WITNESS: Right.

8 MR. SAXON: You mentioned documents. They are not part
9 of the record, unless you make them part of the
10 record during your presentation. So if there's
11 something you've sent and you want it to be
12 considered in the making of a decision, just
13 mention that as you go along, okay?

14 And what we'll do then is the court reporter
15 and I -- you'll give a copy to her and she'll mark
16 it and it will become part of the record.

17 THE WITNESS: I mailed everything in.

18 MR. SAXON: Do you have any copies?

19 THE WITNESS: I have got some copies, but not like -- I
20 don't have my transcript --

21 MR. SAXON: We'll figure that out as we go along. We'll
22 work it out.

23 THE WITNESS: Okay. Thank you.

24 MS. TALLEY-PORTER: You chime in any time. Ms. Prior,
25 are you ready to show us why you should be granted

1 a license, despite the questions raised by staff?

2 THE WITNESS: Yes.

3 MR. SAXON: Will you draw your attention to the court
4 reporter, please.

5 (The witness is sworn in.)

6 MS. TALLEY-PORTER: Okay. You may now make your
7 presentation. And board members may then ask any
8 questions needed to clarify the issues for the
9 board, being careful to address each question to a
10 witness by name, so that the transcript will be
11 readable. If there are questions asked of
12 witnesses other than those presented by the
13 applicant, counsel for applicant or applicant, have
14 you any questions to ask any of these witnesses.
15 So we don't have witnesses, so --

16 You can now present your case.

17 THE WITNESS: I am here because I relocated to South
18 Carolina. Being that I graduated in Pennsylvania
19 at a massage school in 1996 with 432.5 hours. At
20 the time, 15 years ago --

21 MR. SAXON: I'm sorry, would you say that number again?

22 THE WITNESS: 432.5 hours of education in Pennsylvania.
23 I know that Pennsylvania now has licensure, as of
24 December of 2010. But as of 1996 when I graduated,
25 there was no licensure. The requirements for

1 graduation were less than what I have, the 432
2 hours. I continued my education afterwards,
3 knowing that we may be licensed at some time. We
4 were always trying to get that going.

5 So I was requested by the director of my
6 school, that I may want to get more hours than what
7 I graduated with. And I did do that through the
8 school, continuing education, 73.5 hours after I
9 graduated. So I did have my 505.5 hours, as of
10 2002.

11 After that occurrence, I was privileged enough
12 to be hired at the school as a instructor of
13 massage therapy. I stayed there for seven years as
14 an instructor of myofascial release. Continued my
15 education in myofascial release also, so that was
16 140 hours of continuing education with that. And
17 then I also did REIKI, 1, 2 and 3 of 18 hours. So
18 I come up with a total of educational hours of
19 massage therapy as 663.5 hours.

20 MR. SAXON: One more time.

21 THE WITNESS: 663.5 hours. And I --

22 MR. SAXON: Are you using --

23 THE WITNESS: I'm sorry.

24 MR. SAXON: I'm sorry. And I don't do that to break
25 your train, but --

1 THE WITNESS: Sure.

2 MR. SAXON: You used some terminology that everybody on
3 the panel will know.

4 THE WITNESS: Okay.

5 MR. SAXON: But somebody reading a transcript might not
6 know.

7 THE WITNESS: Okay.

8 MR. SAXON: Would you tell what those initials stand
9 for, for the court reporter, please? RAKI or --

10 THE WITNESS: REIKI.

11 MR. SAXON: REIKI.

12 THE WITNESS: REIKI is R-E-I-K-I. And it's just another
13 form of bodywork. My point being that my letter of
14 denial for the license in South Carolina was based
15 on not having enough hours on my transcript. So my
16 questions being that, being that I'm 68.5 hours
17 away from what you require, I would like you to
18 reconsider, being that I've had 14 years of
19 professional experience, instructor at the massage
20 school that I graduated at, and that I have this
21 passion and need to do this work.

22 MS. TALLEY-PORTER: Does the panel have any questions?

23 MS. PEARSON: When did you move to South Carolina?

24 THE WITNESS: June of 2010. So it's been over a year, a
25 little over a year.

1 MS. TALLEY-PORTER: Have you practiced any at all?

2 THE WITNESS: No.

3 MS. TALLEY-PORTER: How many hours does the school -- is
4 their curriculum now?

5 THE WITNESS: Now their hours, I think, are 600.

6 MS. TALLEY-PORTER: And how many continuing education
7 hours does Pennsylvania require?

8 THE WITNESS: I know it's every two years. And I want
9 to say 12 hours every two years, but I am not
10 positive on that number.

11 MS. TALLEY-PORTER: How many?

12 THE WITNESS: I think it's 12 hours every two years.
13 But I'm not positive if that's correct.

14 MS. TALLEY-PORTER: That sounds right.

15 MS. PEARSON: So you have not been working since you've
16 moved to South Carolina?

17 THE WITNESS: Right.

18 MS. PEARSON: Or did you find other employment?

19 THE WITNESS: Yeah, I work retail.

20 MS. PEARSON: Okay.

21 THE WITNESS: Yeah.

22 MS. TALLEY-PORTER: I noticed that your diploma didn't
23 indicate any hours. Do they use the transcript
24 along with the certificate in order -- because we
25 did get a transcript.

1 THE WITNESS: Yes. A transcript is all I gave. I
2 didn't have a diploma.

3 MS. TALLEY-PORTER: At the time. Okay. Were you grand-
4 fathered in when licensure took place?

5 THE WITNESS: Well, I moved here in June. They got
6 their license in December. So I called the school
7 and thought about getting my license there, just so
8 that it might be easier to come here and get
9 reciprocity or grand-fathered in. And he told me
10 that that probably wouldn't happen, because South
11 Carolina had different regulations.

12 So I didn't move forward with that. I can do
13 that because I would be grand-fathered in; I know
14 that, because of the work that I've done, even
15 though they require 500 hours, because of my grand-
16 fathered in because of the 14 years of --

17 MS. TALLEY-PORTER: So you've never had a license.

18 THE WITNESS: No, no. I never was required.

19 MS. TALLEY-PORTER: And who is the director of that
20 school?

21 THE WITNESS: Robert Jance.

22 MS. PEARSON: Patrice, have you ever, before moving to
23 South Carolina, did you ever research what would be
24 required of you in South Carolina to --

25 THE WITNESS: Yes.

1 MS. PEARSON: -- become licensed?

2 THE WITNESS: Yes. The 500 hours, which I pretty much
3 thought that the continuing education would be
4 added onto what I had already. And I felt
5 confident that that would be fine. I never
6 questioned it really.

7 MS. PEARSON: Okay. And did you -- review for me -- I
8 know it's in here, but which exam did you take to
9 quality --

10 THE WITNESS: The MBLEx.

11 MS. PEARSON: -- for licensure? You took --

12 THE WITNESS: MBLEx in South Carolina.

13 MS. PEARSON: And what year did you take that?

14 COURT REPORTER: I didn't get what you --

15 THE WITNESS: MBLEx.

16 COURT REPORTER: MBLEx. Can you spell that for me?

17 THE WITNESS: M-B-L-E-x. That's a state test.

18 MS. TALLEY-PORTER: Capital M-B-L-E- little x.

19 THE WITNESS: That's required in South Carolina to take,
20 so I did take that -- let me think what month.
21 August?

22 MR. SAXON: Would it have been June 20th, 2011?

23 THE WITNESS: June. June. That's when it was. Yes,
24 thank you.

25 MR. STRICKLIN: June of 2011.

1 THE WITNESS: Yes.

2 MR. SAXON: May I ask a question?

3 MS. TALLEY-PORTER: Sure.

4 MR. SAXON: If you don't mind, Ms. Prior, just for my
5 own edification, it appears that you passed that
6 exam.

7 THE WITNESS: Uh-huh.

8 MR. SAXON: And that you have provided appropriate
9 documentation of that to the panel; is that
10 correct?

11 THE WITNESS: Yes, I have passed.

12 MR. SAXON: Bear with me just a moment, if you will.

13 THE WITNESS: And I took the MBLEx in total confidence
14 that I would take that in the next step of having
15 enough hours, and then have the MBLEx because of
16 having 432 plus my continuing education added on.
17 That's how I came to being confident that, you
18 know, it was all that was required, so --

19 MS. PEARSON: In your research of our Massage Practice
20 Act, did you understand exactly what our verbiage
21 is for the qualification of hours?

22 THE WITNESS: When I took the MBLEx, I got a letter
23 stating, and my check back, saying that from the
24 state -- from LLR, that it is because I had 68.5
25 hours less than what I needed to have the

1 requirements for South Carolina. Because they
2 didn't notice -- I mean, they didn't recognize
3 continuing education.

4 MS. PEARSON: Correct.

5 THE WITNESS: That's when I learned that they would
6 not --

7 MS. PEARSON: Okay.

8 THE WITNESS: -- recognize that. And I was like "What?"
9 So --

10 MS. PEARSON: Thank you.

11 THE WITNESS: -- (inaudible) in the middle.

12 MR. SAXON: Ms. Hawsey, may I impose upon you to make
13 some copies?

14 MS. HAWSEY: Yes.

15 MR. SAXON: I asked you about the exam earlier; you
16 talked about that. I think we should probably make
17 that an exhibit, and we'll mark it "Applicant's 1."
18 But since you didn't bring copies -- and that's
19 okay -- Ms. Hawsey is kindly going to make some
20 copies. If you'll just make one -- I'll keep those
21 -- for the court reporter.

22 MS. HAWSEY: And the copies are of her exam and her --

23 MR. SAXON: Well, all the stuff that she sent us, is
24 what I've given her. And we'll deal with each one
25 individually.

1 MS. HAWSEY: Okay.

2 MS. TALLEY-PORTER: And the board members do have a copy
3 in their packet.

4 MR. SAXON: Right. Right. I'm just using my copy.

5 MS. TALLEY-PORTER: Right.

6 MR. SAXON: And Ms. Hawsey can make copies of that for
7 the court reporter, because the court reporter has
8 to have her own, that she'll mark. So what we're
9 going to do is your test results will be marked
10 Applicant's No. 1.

11 [MARKED FOR IDENTIFICATION AS APPLICANT'S
12 EXHIBIT NO. 1 - Federation of State
13 Massage Therapy Boards - SCORE Report.]

14 MS. TALLEY-PORTER: When's the last time you've had some
15 continuing education?

16 THE WITNESS: 2007.

17 MS. TALLEY-PORTER: 2007. I don't know what the panel
18 will decide on this, but I wanted to ask you,
19 would you be willing to take the extra 69 hours, if
20 the --

21 THE WITNESS: Yes.

22 MS. TALLEY-PORTER: -- panel so -- okay.

23 MS. PEARSON: Patrice, you mentioned earlier that
24 Pennsylvania didn't have licensure and now they do.

25 THE WITNESS: Uh-huh.

1 MS. PEARSON: So that their -- one of the requirements
2 for continued licensure would be the 12 hours per
3 year, and you did not take those hours since 2007.
4 So even if you wanted to get a license from your
5 state to transfer here, that was not an option? Or
6 you just didn't think about it?

7 THE WITNESS: Honestly, the whole back and forth with
8 Pennsylvania, trying to get their licensure, was
9 changing so much. And we kind of were at a
10 standstill, saying just hang in there. And with
11 all the years of experience and hours, just, you
12 know, will be grand-fathered in, most likely. That
13 was the advice given to me. So, yeah, I let --
14 2007, I didn't -- I took a class. So '8, '9, '10
15 -- so I -- I left in 2010. So it was two years of
16 no education. But I felt fine with what the advice
17 I was given about hanging in there with when they
18 were going to be licensed.

19 MS. PEARSON: And did you know that our grand-fathering
20 eclipsed or sunsetted or whatever the term is in --
21 what year?

22 MS. TALLEY-PORTER: In '69.

23 MS. PEARSON: No, not '69.

24 MS. SHAW: '99.

25 MS. PEARSON: '99?

1 MS. TALLEY-PORTER: Oh, '99. I'm sorry.

2 MS. PEARSON: '99.

3 THE WITNESS: I didn't know anything about your
4 grandfather clause. I didn't expect to be grand
5 fathered in. I thought that I would take the MBLEx
6 and show you my hours, and then I would be able to
7 get my license here. I didn't know -- I didn't
8 expect the grand-fathering because I didn't know
9 state-to-state, how you did --

10 MS. PEARSON: Okay.

11 THE WITNESS: -- anything --

12 MS. TALLEY-PORTER: But there's not a grand-fathering
13 anymore.

14 THE WITNESS: That's what you explained.

15 MS. PEARSON: So when you were -- that's what I was
16 trying to understand --

17 THE WITNESS: Yeah.

18 MS. PEARSON: -- because you had mentioned that you
19 would be grand-fathered in.

20 THE WITNESS: In Pennsylvania. In Pennsylvania, if I
21 went back there.

22 MS. PEARSON: Oh. Okay. Now I'm clear.

23 THE WITNESS: Yeah. If I went back to Pennsylvania, I
24 would have been grand-fathered in, as of today, you
25 know, .

1 MS. PEARSON: Thank you.

2 THE WITNESS: That's how they work it.

3 MS. PEARSON: Sorry. Sorry, I had a --

4 THE WITNESS: That's okay.

5 MS. PEARSON: -- moment. All right. Very clear. Thank
6 you.

7 THE WITNESS: Yes.

8 MR. STRICKLIN: Patrice, if I could ask you, I noticed
9 that you've taught at Pittsburgh School of Massage
10 Therapy --

11 THE WITNESS: Yes.

12 MR. STRICKLIN: -- from April 2001 to May 2010.

13 THE WITNESS: Uh-huh.

14 MR. STRICKLIN: How many hours did you teach, roughly,
15 in a year?

16 THE WITNESS: I would say that I would do maybe 14 hours
17 every two weeks, something like that.

18 MR. STRICKLIN: Fourteen hours every two weeks.

19 MS. TALLEY-PORTER: So that would be 28 a month.

20 MR. STRICKLIN: And most of those were in myofascial
21 release?

22 THE WITNESS: Yes. Uh-huh.

23 MR. STRICKLIN: Did you have a text you followed?

24 THE WITNESS: I did, yes.

25 MR. SAXON: What two years did you do that, Ms. Prior?

1 You taught for two years?

2 THE WITNESS: No, I taught for seven.

3 MR. SAXON: Seven years. Got it.

4 THE WITNESS: Uh-huh.

5 MS. TALLEY-PORTER: From what date?

6 THE WITNESS: April of --

7 MR. STRICKLIN: Says 2001 to 2010.

8 THE WITNESS: Till -- yeah, till I left.

9 MR. STRICKLIN: Nine years?

10 THE WITNESS: 2010, I left the school, but I was just
11 doing kind of fill-in work at that time. I wasn't
12 really teaching a lot, but that's when I left the
13 school.

14 MR. STRICKLIN: So seven years, you were really
15 teaching --

16 THE WITNESS: I was teaching full time.

17 MR. STRICKLIN: -- full time, okay.

18 THE WITNESS: Uh-huh.

19 MS. TALLEY-PORTER: Did you make -- was this how you
20 made a living in --

21 THE WITNESS: Yes.

22 MS. TALLEY-PORTER: -- the past?

23 THE WITNESS: I did many things. As you see, I sent my
24 resume just to show you that that's all I did was I
25 worked for a chiropractor, I worked for myself, I

1 worked for a fitness center, I've taught. And
2 that's exactly, you know, my life is evolved around
3 such.

4 MS. TALLEY-PORTER: But that was your primary source
5 of --

6 THE WITNESS: Yes.

7 MR. SAXON: I tell you, before we go further than that,
8 Ms. Prior -- Madam Court Reporter, may we mark her
9 application as Applicant's No. 2, please?

10 COURT REPORTER: Do I have a copy of that?

11 MR. SAXON: It should have been in what Ms. Hawsey gave
12 you.

13 COURT REPORTER: I do have that. So this one would be
14 No. 1? First one will be No. 1.

15 MR. SAXON: The Score Report will be No. 1, the
16 application itself, No. 2.

17 [MARKED FOR IDENTIFICATION AS APPLICANT'S
18 EXHIBIT NO. 2 - SCLLR - Massage/Bodywork
19 Therapist Application.]

20 MR. SAXON: You just mentioned a resume.

21 THE WITNESS: Uh-huh. You've got that?

22 MR. SAXON: And that's one page, Ms. Prior?

23 THE WITNESS: Yes.

24 MR. SAXON: Can we mark that Applicant's 3, please.

25 [MARKED FOR IDENTIFICATION AS APPLICANT'S

1 EXHIBIT NO. 3 - Patrice Marie Prior's
2 Resume.]

3 MS. PEARSON: Ms. Prior, upon graduation or anytime
4 during your massage school training, were you ever
5 informed about the national exam, the NCBTMB?

6 THE WITNESS: Yes.

7 MS. PEARSON: And you have not taken -- you did not take
8 that exam upon graduation.

9 THE WITNESS: No, I did not.

10 MR. STRICKLIN: Ms. Prior, do you plan to stay in the
11 Myrtle Beach area?

12 THE WITNESS: Yes. It's been one year and my husband's
13 retired. And we luckily sold our house, so we plan
14 to be here near the water. Yes.

15 MR. SAXON: Ms. Prior, it looks like you have offered a
16 three-page Lenape? How do I say that?

17 THE WITNESS: Lenape.

18 MR. SAXON: Lenape. Let's see, may we mark that
19 Applicant's -- it's a three page document --
20 Applicant's 4. Is that right? Are we on the right
21 number?

22 COURT REPORTER: Yes, it will be 4. Is it just one page
23 on that?

24 MR. SAXON: Three. They look exactly alike, as I show
25 you.

1 COURT REPORTER: These things here? The certificate-
2 type things?

3 MR. SAXON: Right here, yes.

4 COURT REPORTER: It will be No. 4.

5 MR. SAXON: Please.

6 [MARKED FOR IDENTIFICATION AS APPLICANT'S
7 EXHIBIT NO. 4 - Lenape Adult Education -
8 Certificate of Completion - Reiki 1.]

9 MR. SAXON: I don't think there's anything else.

10 MS. TALLEY-PORTER: Okay. We don't have anything else.
11 Anybody else have any questions? Okay. We
12 appreciate --

13 THE WITNESS: Thank you for having me.

14 MS. TALLEY-PORTER: -- this and a little later go into
15 executive session and decide. I have some other
16 things to cover before going --

17 MR. SAXON: Sure. Oh, wait a minute. I think we should
18 -- we've got a copy of your transcript. And Madam
19 Court Reporter, would this be No. 5?

20 COURT REPORTER: Yes, it would be.

21 MR. SAXON: Let's go ahead and mark that then, just so
22 we have it as part of the record, Applicant's 5.

23 [MARKED FOR IDENTIFICATION AS APPLICANT'S
24 EXHIBIT NO. 5 - Official Student
25 Transcript.]

1 MR. SAXON: And I believe that's all. Was there
2 anything I missed, Ms. Prior, that you wanted to
3 make an exhibit or have as part of the record?

4 THE WITNESS: The letter from my director from the
5 school.

6 MR. SAXON: This is on Pittsburgh School of Massage
7 Therapy letterhead dated July 18th?

8 THE WITNESS: Yes.

9 MR. SAXON: All right. Is that okay with the board?

10 MS. TALLEY-PORTER: Sure.

11 MR. STRICKLIN: Yes.

12 COURT REPORTER: Now, does this one go with that? This
13 is proof of attendance that you mailed at the time,
14 and then this would be letter for --

15 MR. SAXON: I don't think so. I think I would treat
16 those as separate documents.

17 COURT REPORTER: Okay. The letter, that is what --

18 MR. SAXON: The letter of July 18th will be -- what
19 number?

20 COURT REPORTER: No. 6. July 18th, correct?

21 MR. SAXON: Yes, ma'am.

22 [MARKED FOR IDENTIFICATION AS APPLICANT'S
23 EXHIBIT NO. 6 - Letter dated July 18,
24 2011 - from Pittsburgh School of Massage
25 Therapy.]

1 MR. SAXON: All right. And is there anything else
2 before we conclude, Ms. Prior?

3 THE WITNESS: I have this.

4 MR. SAXON: I think that's okay.

5 THE WITNESS: We don't need that anymore?

6 MS. SHAW: Thank you.

7 MR. SAXON: Thank you, Ms. Prior.

8 MR. HASTINGS: May I make a motion we go into executive
9 session?

10 MS. TALLEY-PORTER: Do I hear a second?

11 MR. STRICKLIN: I'll second the motion.

12 MS. TALLEY-PORTER: Okay. We'll excuse everyone for
13 about five minutes.

14 MR. SAXON: And Ms. Prior, you will get an order in the
15 mail. So you don't need to stay around for that.

16 THE WITNESS: Oh, that's what I was going to ask.

17 MS. TALLEY-PORTER: Thank you.

18 THE WITNESS: Thanks so much.

19 MR. SAXON: It will either be an order or a letter.

20 THE WITNESS: Okay. Okay.

21 (EXECUTIVE SESSION.)

22 MS. TALLEY-PORTER: Do I hear a motion that we come out
23 of executive session?

24 MS. SHAW: I make a motion we come out of executive
25 session.

1 MR. STRICKLIN: I'll second that motion.

2 MS. TALLEY-PORTER: All in favor? Okay. So be it. No
3 votes were taken during the executive session. But
4 is there a motion to be entertained in regards to
5 Mrs. Prior's request?

6 MS. PEARSON: Yes. I move that we --

7 MR. SAXON: Have our --

8 MS. PEARSON: -- yeah, our executive council --

9 MR. SAXON: Advice counsel.

10 MS. PEARSON: -- our advice counsel read what we have
11 come up with.

12 MR. SAXON: All right. Ms. Pearson, I'm going to read
13 what I think your motion is, and you just correct
14 me if I'm wrong. The motion before the panel is
15 that the applicant's motion for licensure be
16 granted with the following condition: That she
17 successfully complete at least sixty-seven and a
18 half in-school clock hours at her own expense
19 within six months of the Order's date at a school
20 approved by the South Carolina Commission on Higher
21 Education. Is that your motion?

22 MS. PEARSON: That is my motion.

23 MR. STRICKLIN: I would like to second that motion.

24 MS. TALLEY-PORTER: All in favor, raise your hand.

25 BOARD MEMBERS: (All board members responded.)

1 MS. TALLEY-PORTER: Okay.

2 MR. SAXON: Now, Ms. Prior, you'll get a written Order
3 in the mail. None of this is official until it is
4 signed and you get it.

5 THE WITNESS: Okay. I didn't want to take my three hour
6 drive without knowing.

7 MR. SAXON: Well, not all boards announce their
8 decision.

9 THE WITNESS: Okay.

10 MR. SAXON: But most do.

11 THE WITNESS: Thank you.

12 MS. TALLEY-PORTER: Could you introduce her to Ms.
13 Eschelman? Point Ms. Eschelman, out in the pink
14 jacket.

15 MR. SAXON: Do y'all know each other?

16 MS. ESCHELMAN: Now we do. In the hallway.

17 MR. SAXON: Well, she's with the Commission on Higher
18 Education, so she may be the person you need to
19 contact to get to the right school.

20 THE WITNESS: Oh, okay. So is there --

21 MR. SAXON: And if you have any questions once you get
22 the Order, please contact Ms. Cubitt.

23 THE WITNESS: Oh, okay. Thank you so much.

24 MS. TALLEY-PORTER: Okay. Do I hear a motion that we
25 take a five minute break?

1 MR. STRICKLIN: I make the motion.

2 MS. SHAW: Second.

3 MS. TALLEY-PORTER: We're going to take a quick five
4 minute break.

5 (Off the record.)

6 MS. TALLEY-PORTER: I need a motion that we go back into
7 session after the break.

8 MR. STRICKLIN: I make that motion.

9 MS. TALLEY-PORTER: Do I have a second?

10 MR. HASTINGS: Second.

11 MS. TALLEY-PORTER: Okay. We'll move on.

12 MR. SAXON: Actually, may I ask a question of the
13 administrator, while we're on the record?

14 MS. TALLEY-PORTER: Yes.

15 MR. SAXON: Doris.

16 MS. CUBITT: Yes, sir.

17 MR. SAXON: Mr. Ma is not here.

18 MS. CUBITT: He is not present.

19 MR. SAXON: So --

20 MS. CUBITT: He was notified. He got a letter.

21 MR. SAXON: Right. But generally, we don't take any
22 action if a person is not here. Is that how this
23 panel has traditionally done it?

24 MS. CUBITT: That's what I've been told, that if the
25 person does not show, to appear, they do not

1 address the issue.

2 MR. SAXON: That's right. We did sort of like a motion
3 for licensuring then --

4 MS. CUBITT: Right.

5 MR. SAXON: And so if he's not here to make that, then
6 generally, no action is taken. Okay. Thank you.

7 MS. TALLEY-PORTER: Okay. At this time, I'd like to
8 have an update -- or I'm going to give you an
9 update on the Federation of State, Massage Therapy
10 Boards. Their annual meeting is October 13th. It
11 will last three days. And Jan Shaw will be our
12 delegate representing South Carolina. Ms. Cubitt,
13 I believe it's my understanding that no one from
14 LLR will be attending that meeting; is that
15 correct?

16 MS. CUBITT: Yes, ma'am. That's correct. I did not
17 have enough time notice, and I had some conflicts,
18 so --

19 MS. TALLEY-PORTER: Okay. We also talked about at our
20 last meeting about the National Certification Board
21 Exams. And we have Ms. Debbie Banker with us here
22 today. And I've asked her to give us an update and
23 clarify the different exams that NCBTMB is
24 offering. So if you'll come forward and do it.

25 MS. BANKER: I'll go ahead and kind of tell you. I

1 think the big question has been about what we call
2 the NESL; that's all in caps. And how that
3 compares. I think other people were using the word
4 "pre-exam" last time. Just stop me, if you have a
5 question. I'm going to explain what I think our
6 interpretation is, and then you can ask me a
7 question.

8 MS. TALLEY-PORTER: Before you go forward, would you
9 state -- tell us what your association is with
10 NCBTMB.

11 MS. BANKER: Well, my -- I'm a 15-plus year massage
12 therapist, and I was asked by the national board to
13 serve as the government relation representative for
14 South Carolina.

15 MS. TALLEY-PORTER: Okay. Thank you.

16 MR. SAXON: Madam Court Reporter, do you have her full
17 name at all?

18 COURT REPORTER: I do. And the thing that you referred
19 to just a minute was NASL?

20 MS. BANKER: N -E -- "e" as in elephant -- S-L, all in
21 caps.

22 COURT REPORTER: N-E-S-L. Thank you so much.

23 MS. BANKER: Years back, if you pull up the United
24 States and you look at each state, what they
25 require, you know, everything is different. Some

1 require nothing; some require 500, 600, 300,
2 whatever. And so some states notified us and said,
3 "Look, you know, it's all great to be nationally
4 certified and, you know, we'd like to do that. But
5 we want to do our own thing. And so do you have a
6 test that we can give our students, you know, that
7 don't necessarily want to go on and be nationally
8 certified?" And so they said, "Well, you can use
9 the same test. That's fine, you know, if they
10 don't want to be nationally certified." and the
11 idea behind it -- and it got a lot of support from
12 schools because when you go through school and you
13 go through the learning process, like you would if
14 you're in college. You go take your classes, and
15 at the end of class, you take your test.

16 Well, the way it was previous to that, you
17 went through your classes and then you went through
18 months of hands-on. And then after graduating,
19 went and took the exam. And the feeling was,
20 that's so far in the future that they didn't really
21 want to do that. So they designed -- this
22 particular test to take as soon as you finished
23 your hands-on -- I mean, your education portion.
24 You took the test, passed it, and then you're
25 hands-on. And then if later on you wanted to

1 upgrade to a national certification, you could do
2 that.

3 MS. PEARSON: So this -- the initials --

4 MS. BANKER: NESL.

5 MS. PEARSON: -- NESL is not a certification?

6 MS. BANKER: No. It's the exact same exam, but the
7 certification portion includes --

8 MS. TALLEY-PORTER: Competency exam.

9 MS. BANKER: -- exam, 500 hours, code of ethics and
10 to practice, that whole thing you have to take to
11 be --

12 MS. PEARSON: Okay.

13 MS. BANKER: -- nationally certified. This test was
14 just used for those people who didn't necessarily
15 want to go on to become --

16 MS. PEARSON: To be certified.

17 MS. BANKER: And you can. You have a certain period of
18 time. But it was more, I think from the state's
19 and school's standpoint. And if your regs don't
20 require it -- which yours don't -- your regulations
21 don't require somebody to be nationally certified.
22 It requires that they take a nationally-certified
23 exam.

24 MS. TALLEY-PORTER: So NESL, can you tell me what that
25 stands for, the acronym?

1 MS. BANKER: No, I can't

2 MS. TALLEY-PORTER: That's all right.

3 MS. BANKER: I can call and find out.

4 MS. TALLEY-PORTER: That's okay. But, in other words,
5 it would qualify a person to go ahead and apply for
6 licensure in South Carolina.

7 MS. BANKER: Oh, yeah. I mean, if you're accepting the
8 MBLEx, then it's kind of a -- yeah.

9 MS. TALLEY-PORTER: Okay. Equivalent.

10 MS. BANKER: Uh-huh. Yeah. So I think the idea was
11 just, you know, they didn't want so much time
12 between once you graduate, then go take the exam.
13 Now, somebody brought up when I was out in the
14 hallway -- but what would stop somebody from just
15 going and taking the exam without doing anything
16 and sitting for it? And I suppose that would be
17 possible, because if you had been in nursing, you
18 know, a nurse and been there for a long, long time
19 and had a great anatomy physiology background,
20 probably could sit for that test without going
21 through school. But she would still have to, for
22 your regulation, go back and present to you, "I
23 have the 500 hours." So if people were to say, "If
24 they go sit for it?" Well, it doesn't really
25 matter because they still have to come to you with

1 the 500 hours.

2 MS. SHAW: So there's some prerequisite. I think that's
3 the question that we keep coming back to would be
4 -- apparently recently starting to take the MBLEx
5 or one of the exams, and then going through school.
6 And the argument that I've heard is that they,
7 therefore, don't have to have that waiting time.
8 Once they complete your certification of attending
9 school, between receiving that certification and
10 then having to register and take and complete the
11 exam -- or whichever exam it is.

12 MS. BANKER: Uh-huh. Uh-huh.

13 MS. SHAW: You know, recently, people have been taking
14 the exam first and going through school. So
15 there's no prerequisite, is the bottom line, to
16 taking the exam.

17 MS. BANKER: Not that I'm aware of. And, you know --

18 MS. SHAW: If I were --

19 MS. BANKER: If I leave here, I'll go make a phone call
20 and make sure that's correct --

21 MS. SHAW: So if I were anybody off the street and I
22 have -- in my case, I'm an exercise physiologist.

23 I've got a master of science --

24 MS. BANKER: I believe so.

25 MS. SHAW: -- I could potentially take that exam

1 without having ever been to massage school.

2 MS. BANKER: Yeah. It would be -- it would be kind of
3 the same thing. I could go in and take a pre-law
4 exam, or I could go in and take the exam.

5 MS. SHAW: Yes.

6 MS. BANKER: But that doesn't mean that when I go to the
7 board --

8 MS. SHAW: No, that doesn't apply for licensure.

9 MS. BANKER: Right.

10 MS. TALLEY-PORTER: Even though they're not nationally
11 certified, isn't that the same exam that they take
12 to be nationally certified?

13 MS. BANKER: Yes. And that was the thing that we felt
14 like we needed to keep the same standard, you know,
15 because we didn't want to lose that within our
16 organization. So, yes, it's the exact same test.
17 And our testing procedures are kind of interesting
18 in the fact that -- the way that they're -- and
19 we're sending Leon a list of what we have to do for
20 the testing.

21 But I went for some training in Chicago, and I
22 thought I don't care how much I have to go to be
23 back room. I wouldn't leave that room. Because to
24 get back in that room is so tough, you know, you
25 just wouldn't want to leave.

1 And the way the questions now are set up, and
2 we're moving into some higher education exams now
3 too, is before, if we all went and took exam, it's
4 the same exam. Same exam nation-wide, you sat
5 down, same question, boom. Now, there's no one
6 exam the same. There are -- they've come up with
7 say maybe a thousand questions -- I'm just pulling
8 that figure -- and we would sit down at the
9 computer, hits this button, and it decides the
10 questions it wants to give you. So --

11 MS. TALLEY-PORTER: It's random.

12 MS. BANKER: -- it's changed the -- yeah, so it's
13 really, really not --

14 MS. SHAW: So tell me again -- I'm sorry. I apologize.
15 I just want to make sure I understand the
16 difference between the exam that's given to achieve
17 national certification now, versus this --

18 MS. BANKER: None. Absolutely none.

19 MS. SHAW: So what makes it more -- what makes it
20 quicker in what you describe it? That this is an
21 exam that people would take more quickly than the
22 other exam, where they can register for it more
23 quickly? What makes it quicker?

24 MS. BANKER: Well, for instance, so if I finished my
25 education and I want to take the test right then

1 because I'm afraid I'll forget it and I don't want
2 to get -- you know, you want to take the test right
3 afterwards.

4 MS. SHAW: Right.

5 MS. BANKER: Well, for national certification, I have to
6 have 500 hours. And, you know, I have to already
7 have had those 500 hours to be nationally
8 certified. So this is just a way for them to take
9 the test prior to getting down the road later on.

10 MS. SHAW: Another prerequisite for this one and the
11 prerequisite for the national --

12 MS. BANKER: Yeah, yeah. It's 500 hour -- yes. Five
13 hundred hour, yeah.

14 MS. TALLEY-PORTER: But isn't it a fact that anyone can
15 take that test before school? Period. They can
16 take that test any time.

17 MS. BANKER: Yeah. They can take what test --

18 MS. SHAW: Which one? The national?

19 MS. TALLEY-PORTER: The NESL.

20 MS. BANKER: I think so. I'm going to call Lori, just
21 to make sure I am correct about that. Yeah, I
22 would think that that would be similar to any test
23 in any profession you could so sit and try for it.
24 But that wouldn't necessarily mean that you have
25 the hours to go then get your license.

1 MS. SHAW: Okay. So that's the main difference.

2 MS. BANKER: Yeah. And I don't -- it's more of just a
3 -- and some states don't require you to be
4 nationally certified. So they're like, you know,
5 we don't want to have to monitor all that.

6 MS. TALLEY-PORTER: I think my concern is is if this
7 gentleman decided to take that test, he would be
8 allowed to.

9 MS. BANKER: Uh-huh.

10 MS. TALLEY-PORTER: I just want to make sure he knows
11 that he is not going to get a license, simply by
12 taking that test.

13 MS. BANKER: Well, again, it's like anything else. The
14 original intent was that you would be in school, of
15 course, you know, that you would already have taken
16 that. And as with anything in life, there's always
17 going to be one to try and get around that. And
18 that's kind of what we have to do and you have to
19 do. We have to make sure that doesn't happen, you
20 know. If something comes in to you guys or to us
21 and it smells like Limburger cheese, it's Limburger
22 cheese. You know, you have to go -- you say, wait
23 a minute, this doesn't feel right, you know, I'm
24 going to go check this out. But I will call Lori
25 and just ask her that question and make sure I am

1 correct about that.

2 MS. PEARSON: And also, since they are the same exam,
3 then potential licensed massage therapists and
4 nationally certified, it's really a practice test
5 to see what's on it. I mean, can it be viewed that
6 way? Or am I incorrect?

7 MS. BANKER: No, once you pass it, if you wanted to
8 become nationally certified, you don't have to go
9 pass it again.

10 MS. PEARSON: You don't have to pass it --

11 MS. BANKER: No.

12 MS. PEARSON: -- again.

13 MS. BANKER: No. It's one test. And what you do have
14 to do then is send to us, you know, I passed this
15 exam. You can see that. Here's my 500 hours.
16 Here's my signed Code of Ethics. Here's my other
17 stuff. And then you become --

18 MS. PEARSON: So the cart can be before the horse.

19 MS. SHAW: Yes. And it can be converted over --

20 MS. BANKER: It's kind of like the same thing as you're
21 testing and your college test come and you pass
22 those before they give you your diploma. But you
23 don't have to finish it. You don't have to go get
24 your diploma. But you still passed the test.

25 MS. PEARSON: All right.

1 MS. BANKER: And the other question I got was, Well,
2 that national certification, I don't think this is
3 really an issue for you, but people do get kind of
4 -- when I send in my renewal, you really don't know
5 at this point whether or not I've still renewed my
6 national certification. So I updated my hours and
7 I'm nationally certified, because you don't require
8 a national certification.

9 MS. PEARSON: We don't?

10 MS. BANKER: Yeah. Your regs say someone must pass a
11 nationally-certified exam. Not nationally
12 certified.

13 MS. PEARSON: Right. Absolutely.

14 MS. BANKER: And now there are some states -- quite a
15 few states say -- "you must be nationally certified
16 massage therapist before you can get a license."

17 MS. SHAW: That is correct.

18 MS. TALLEY-PORTER: In other words, you do not have to
19 be required to keep the national certification
20 status.

21 MS. PEARSON: Correct.

22 MS. BANKER: You do in some states.

23 MS. SHAW: So this is one of two exams? The other being
24 the national -- that y'all offer?

25 MS. BANKER: Well, without getting -- it's the same

1 exam. But then we also -- once you become -- you
2 decide to upgrade and decide to become nationally
3 certified, we are now beginning to release exams
4 for specialties. So if there are people that have
5 -- you know, if you want to go work for a spa and
6 you're going to -- going to stay at the spa, but
7 you want to work for an orthopedist and you want to
8 specialize in something, we've had a lot of
9 physicians come to us -- and they've actually
10 helped with these testings -- say, you know, we
11 want to be able to put somebody in our clinic that
12 we don't question at all their knowledge base. And
13 I have heard horror stories about this exam. So, I
14 mean, you know, those of us who are sitting in the
15 room that are, you know, 15, 20, 30 year massage
16 therapists, none of us want to take the exam. It's
17 going to be a tough --

18 MS. PEARSON: Are the fees comparable to what they
19 charge for your initial national certification?

20 MS. BANKER: Which one? MBLEEx?

21 MS. PEARSON: The advanced. No --

22 MS. BANKER: Yes.

23 MS. PEARSON: -- (inaudible, talking over each other).

24 MS. BANKER: We haven't heard that, but that question
25 came up. One of us asked the question and they

1 said, "Yeah, we're" -- most don't know that we're
2 actually a non-profit organization. And so
3 everything that -- the design and testing and that
4 kind of stuff. So, yeah, what we were told was we
5 anticipate that it will be very close to the same
6 thing.

7 MS. SHAW: Is there a website or some place where I
8 could go as these specialty develop, that I can
9 look at them?

10 MS. BANKER: Yeah. And I'm not sure how much has been
11 put out to the public yet at this point. But just
12 go onto the NCBTMB website and they'll announce
13 things as they come through. This testing has been
14 -- has taken years. It's been years in the making
15 for this test.

16 MS. SHAW: I'm glad for it.

17 MS. TALLEY-PORTER: Could I make a request that if there
18 are any additions or changes that NCBTMB, they
19 would let Ms. Cubitt know?

20 MS. BANKER: Yes. And when you say "changes made," like
21 this testing and stuff?

22 MS. TALLEY-PORTER: Yeah.

23 MS. BANKER: Yeah. I saw the marketing material on it,
24 so I'm assuming -- I think I'm kind of putting the
25 cart before the house. I've seen a bunch of it,

1 but should go out to everybody, every state, and it
2 tells --

3 MS. TALLEY-PORTER: That say, if we knew then if an
4 applicant comes in, they would better understand --

5 MS. BANKER: Yeah. But you wouldn't be taking that exam
6 unless you were nationally certified. You're not
7 going to just jump to that exam.

8 MS. PEARSON: Right.

9 MS. TALLEY-PORTER: Anymore questions?

10 MR. HASTINGS: So am I understanding that we can accept
11 an applicant application if they have taken this
12 national test prior to going to school and getting
13 the 500 hours?

14 MS. BANKER: Well, no --

15 MR. SAXON: That would be something for the board to
16 decide.

17 MS. SHAW: Yeah.

18 MR. HASTINGS: Okay. And then my second question is --

19 MS. BANKER: I don't think you could because you
20 couldn't if -- I mean, you couldn't really accept
21 it because your law requires they have the 500
22 hours.

23 MR. SAXON: Does it require when you have that 500
24 hours?

25 MS. TALLEY-PORTER: It's a matter of order. If they

1 take your NESL --

2 MS. BANKER: -- (inaudible) decision.

3 MS. TALLEY-PORTER: -- your NESL and they go to school
4 and complete their 500 hours and yet they pass the
5 NESL successfully, as long as they present those
6 two documents --

7 MS. PEARSON: Two things.

8 MS. TALLEY-PORTER: -- they would be eligible for
9 licensure.

10 MR. SAXON: And I can research that, Mr. Hastings.

11 MS. PEARSON: Yeah. Like what I was wanting to qualify
12 was him saying can they come to us with the exam
13 and get licensure. They can't without the second
14 component of the 500 hours. And that's the safety
15 net?

16 MS. BANKER: Right.

17 MS. PEARSON: But if they wanted to use the NCBTMB -- I
18 have to always work on those initials -- as their
19 exam, then they would have to complete school
20 first. There is a matter of order there.

21 MR. STRICKLIN: Yes.

22 MS. PEARSON: Does that answer your question?

23 MR. HASTINGS: More or less.

24 MS. TALLEY-PORTER: But I want to make sure --

25 MS. BANKER: But no matter which --

1 MS. TALLEY-PORTER: -- that within our board, the Labor,
2 Licensing and Regulation makes decisions based on
3 our legislation.

4 MS. BANKER: Right. No matter --

5 MS. TALLEY-PORTER: So it's --

6 MS. BANKER: -- which way you go --

7 MS. TALLEY-PORTER: -- not a decision --

8 MS. BANKER: It doesn't matter which way you go, I think
9 we're getting caught up in that pre-test thing.

10 You still have to present the 500 hours. The
11 student can choose when --

12 MR. PEARSON: Right.

13 MS. BANKER: -- the student can choose when they do it.

14 MS. PEARSON: Right.

15 MS. BANKER: But you're safeguarded by the fact that
16 they have to, you know --

17 MS. PEARSON: Right.

18 MS. BANKER: -- so let's say somebody over here,
19 attorney goes and takes the test and passes. That
20 doesn't mean he doesn't mean he can come to you and
21 get a license.

22 MS. PEARSON: Right.

23 MS. BANKER: But I will make that phone call and just
24 make sure.

25 MS. TALLEY-PORTER: We'll have some further

1 discussion.

2 MR. HASTINGS: Maybe this should be put on the next
3 meeting, but I would like to have the -- before
4 anything comes to us, like these packets with the
5 applicant, that NCBTMB be contacted by the person
6 that reviews the applications, to see if it's not a
7 fake.

8 MS. TALLEY-PORTER: They are. They are doing that.

9 MR. HASTINGS: They are doing that?

10 MS. TALLEY-PORTER: Isn't that correct, Ms. Cubitt?

11 MS. CUBITT: Yes, ma'am, I believe so.

12 MS. BANKER: I'll just add this, because we're also
13 looking at the fact that I think you require a
14 photo I.D. --

15 MS. PEARSON: No.

16 MS. BANKER: -- prior to -- oh, you don't?

17 MS. TALLEY-PORTER: No, the testing area does that.

18 MS. BANKER: We do do that. And so the question that
19 Deleon had was, you know, if we get to a point
20 where we question whether this is the same person
21 or if you have a way at looking at that getting --
22 we're looking at that. I'm not -- I know we
23 already have the picture I guess for the legal
24 aspect.

25 MS. TALLEY-PORTER: Well we appreciate it. Thank

1 you.

2 MS. BANKER: I'll make that phone call.

3 MS. TALLEY-PORTER: Okay. Thank you.

4 *****

5 MS. TALLEY-PORTER: Okay. Recently, there has been an
6 order and Ms. Eschleman can explain this better,
7 that schools go from curriculum hours to clock
8 hours. So would you come forward and explain this,
9 where we'll have a good understanding of that,
10 should anything come up that the board would need
11 to --

12 MS. ESCHLEMAN: Yes. Any SL, first of all, stands for
13 national exam for state licensure.

14 MS. SHAW: Thank you.

15 MS. ESCHLEMAN: And on the issue with the curriculum at
16 the massage schools, for eligibility for Title 4,
17 financial aid, the U.S. Department of Education is
18 now requiring where a number of clock hours is
19 prescribed for a professional license like 500
20 hours in massage therapy, that the schools have to
21 measure in clock hours, those programs.

22 So what's happened is is there was a question
23 about the institutions that award credit hours for
24 their programs. And there's formulas that they
25 have to use to compute those credit hours. But

1 they are now having to measure in terms of clock
2 hours. They can do credit hours too, but they have
3 to have the clock hour component and the
4 curriculum. And that would be for things like
5 cosmetology, 1500 hours. And so I don't know that
6 there are any schools that have been measuring that
7 in credit hours. But it would be required that
8 they be a clock hour program. And that does not
9 impact what we do or any requirements for LMT.
10 Because the commission doesn't prescribe whether a
11 school measures in clock hours or credit hours.

12 We do look at the curriculum to see that what
13 they're doing includes the content that is required
14 for someone to be able to pass the national exam,
15 and that it would be comparable to a 500 hour
16 program that's measured in credit hours. But we
17 have been requiring that they measure in clock
18 hours. And so what has happened is some of the
19 schools who were using the credit hour measure are
20 having to reevaluate the curriculum, so that
21 they'll be able to appropriately measure in clock
22 hours, and that they will meet the requirement.

23 And a part of that -- and then I don't want to
24 bite the -- but a part of that is that for full-
25 time eligibility, for financial aid, a program

1 would have to be 900 hours. And so this change has
2 just caused them to go back and look at their
3 curriculum and reevaluate what they're doing and
4 how it complies with the U.S. Department of
5 Education's new regulations, the measure that they
6 use for those programs.

7 MS. TALLEY-PORTER: That pretty much effected colleges;
8 is that correct?

9 MS. ESCHLEMAN: Colleges that award credit hours for
10 those programs that result in professional
11 certification and licensure.

12 MS. TALLEY-PORTER: And I'm sure that they've all been
13 approached to the new change.

14 MS. ESCHLEMAN: Oh, yes. Yes. And like I say, we don't
15 do that, but because we've had a lot of -- well,
16 not a lot now but several schools that are not
17 eligible for Title 4 financial aid. And so it
18 doesn't impact them, obviously. But those that
19 are, would have to reevaluate what they're
20 doing. And we know of at least one that has
21 suspended enrollment in massage therapy program
22 until they could get what they needed placed, to be
23 able to document what they're doing, thus comply
24 with the new U.S. Department of Education
25 regulations.

1 MS. TALLEY-PORTER: Now, you mentioned the 900 hours.

2 Clarify that for me. Does that mean now that

3 they're going to 900 in schools? Or --

4 MS. ESCHLEMAN: No.

5 MS. TALLEY-PORTER: -- did I hear that?

6 MS. ESCHLEMAN: For a student to be eligible for full

7 Title 4 financial aid, a program length would have

8 to be able 900 hours. And that doesn't change

9 what's required for national certification or

10 licensure or anything else. It's just for full-

11 time eligibility for financial aid, it would have

12 to be 900 hours.

13 MS. TALLEY-PORTER: Any questions for Ms. Eschleman?

14 (NO RESPONSE.)

15 MS. ESCHLEMAN: Good. That's all I know.

16 MS. TALLEY-PORTER: Thank you. I might add that I do

17 have a curriculum that was sent to me by their

18 board who is the commission -- not commission, but

19 who is the -- who's improvising all of this?

20 MS. ESCHLEMAN: U.S. Department of Education.

21 MS. TALLEY-PORTER: Yeah. The Department of Education

22 sent a curriculum, if anybody would like to look at

23 it.

24 MS. ESCHLEMAN: Virginia College has sent their material

25 to probably all licensing boards in the states

1 where they have schools. So yeah, that's Virginia
2 College --

3 MS. TALLEY-PORTER: Yeah. That's what I have.

4 MS. ESCHLEMAN: And that was just sent around.

5 MS. TALLEY-PORTER: I wish I had had this when we were
6 writing the curriculum for Greenville Tech. It's
7 really good. It's a good one.

8 MS. TALLEY-PORTER: Do you have any questions? Okay.
9 Thank you.

10 *****

11 MS. TALLEY-PORTER: Do we have any comments from the
12 public? Anyone here? Does anybody have a comment?
13 Stand up and state your name.

14 MR. JACKSON: Brent Jackson, Central Carolina Technical
15 College. I just want to add to what you had said
16 sent us to countless training about the new changes
17 with the federal funding. The only thing it
18 affects with massage therapy is, especially the
19 classes that -- or the programs who are three
20 semesters long. You know, most colleges pay by
21 semester system, so it's affecting us, a lot of the
22 students that have to have financial aid. Now they
23 require the person's payments at semester points,
24 it's by clock hour points.

25 So it's like -- for us at Central Carolina

1 Tech, our midpoint falls right in the middle of the
2 second of the three semesters. So it's affecting
3 student enrollment. So if your program is not 500
4 hours -- I mean, not 900 hours, you get a portion
5 -- the students only get a portion of the financial
6 aid. So if -- just for example, if your program
7 was 500 hours, you would only get whatever portion
8 of that in the 900 hours. So it may affect student
9 enrollment in massage therapy programs. That was
10 my only point.

11 MS. TALLEY-PORTER: Now, where is Central?

12 MR. JACKSON: It's in Sumter, South Carolina.

13 MS. TALLEY-PORTER: Sumter, okay.

14 MS. SHAW: Used to be Sumter Technical College.

15 MR. JACKSON: Yes, ma'am.

16 COURT REPORTER: Brent, do you happen to have a card?

17 MR. JACKSON: I do in my briefcase.

18 MS. TALLEY-PORTER: I believe this is your first
19 time.

20 MR. JACKSON: Yes, ma'am. It sure is.

21 MS. TALLEY-PORTER: We appreciate you coming.

22 *****

23 MS. TALLEY-PORTER: I don't think we need executive
24 session for anything. Ms. Cubitt, do you have
25 anything else?

1 MS. CUBITT: Yes, ma'am. I had the appropriate handling
2 of applications with criminal background
3 violations. Do y'all want to address that

4 MS. PEARSON: We'd love to.

5 MS. CUBITT: Okay. Y'all can give me authority and so
6 since I'm new, I need to hear it from y'all, of
7 what things that I could sign off on and approve
8 somebody's application, or what things would have
9 to come before y'all. So, for example, if they had
10 speeding tickets or they had a DUI, you may not be
11 concerned with that. If they had any kind of
12 convictions of anything with a sexual nature, I'm
13 sure that y'all would be concerned with that. But
14 if y'all could kind of outline what you want me to
15 approve and what you want me to bring to you, it
16 would be beneficial.

17 MS. SHAW: I had the same questions.

18 MR. STRICKLIN: What does our law say?

19 MR. SAXON: You can authorize your administrator to do
20 certain things. And --

21 MR. STRICKLIN: Well, what does our law say about
22 criminal records?

23 MS. TALLEY-PORTER: Well if you've been convicted of a
24 felony.

25 MR. SAXON: The person can be denied licensure for any

1 reason that a person can be disciplined who already
2 has a license.

3 (Off-the-record discussion.)

4 COURT REPORTER: Excuse me, if y'all want me to put this
5 on the record, I'm not hearing.

6 MR. SAXON: Did you hear me?

7 COURT REPORTER: I heard you. You were the last one
8 that I heard. I heard some talking after that, but
9 I wasn't quite sure who was talking.

10 MR. SAXON: I don't think they've been -- I think
11 they're just --

12 COURT REPORTER: I just --

13 MS. TALLEY-PORTER: I'd like to ask a question. If
14 we'll allow you to handle the misdemeanors, like
15 driving -- the speed limit or whatever --

16 MS. CUBITT: Or fraudulent check lot of times is a --

17 MS. TALLEY-PORTER: Would you not --

18 MS. CUBITT: -- misdemeanor --

19 MS. TALLEY-PORTER: -- contact us if you had
20 questions --

21 MS. CUBITT: Oh, yes, ma'am.

22 MS. TALLEY-PORTER: -- on anything?

23 MS. CUBITT: Yes, ma'am. And if somebody had --

24 typically, the way I've done it in the past, if
25 somebody had one or two misdemeanors, that type of

1 thing, I had the authority to sign off on those.
2 If I had somebody that had two sheets of things,
3 I'm usually not comfortable with that, and I would
4 want that to come before the board. If they had
5 any kind of felony, they should come before the
6 board.

7 MR. SAXON: Length of time sometimes matters.

8 MS. CUBITT: Yes. If it's been longer than ten years or
9 five year -- and y'all can be thinking about this
10 and give me the authority at another meeting. But
11 the things that you give me the authority over,
12 then I don't have to bring -- you would not have to
13 have as many hearings with people coming. You do
14 have -- in Section 230, it talks about misconduct.
15 And it does say in here on No. 9, "Has been
16 convicted or pled guilty to or no contender to a
17 felony or a crime which directly relates to the
18 practice or the ability to practice bodywork --
19 massage bodywork, has practiced massage bodywork
20 while under the influence of alcohol or drugs, or
21 used alcohol or drugs to such a degree as to render
22 him unfit to practice."

23 So that would tell me that y'all have to hear
24 all felonies. You have to hear --

25 MS. TALLEY-PORTER: I think anything related to the

1 practice, we would like; that's my opinion.

2 MS. CUBITT: Right.

3 MS. PEARSON: And I have a note here from a previous
4 meeting on the same type of issue. And it was
5 advised to us that we be concerned with crimes of
6 moral turpitude.

7 MS. CUBITT: Okay. And that is in a lot of statutes.

8 MS. SHAW: What does that mean?

9 MR. SAXON: We can go to another session to do that.

10 This is not something that you really want to hear
11 in open session. There are lots of crimes of moral
12 turpitude.

13 MS. TALLEY-PORTER: I think if you follow what's in the
14 law, then that would be sufficient. Does everybody
15 agree to that?

16 MS. PEARSON: And I would like that to be an agenda item
17 for further discussion, so we're all clear, and so
18 we can help her.

19 MS. CUBITT: That will be great.

20 MS. PEARSON: Thank you.

21 MS. CUBITT: Thank you.

22 MS. TALLEY-PORTER: Okay. I don't believe we have
23 anything else. Does any of the panel have anything
24 else?

25 MR. HASTINGS: I make a motion we adjourn.

1 MS. TALLEY-PORTER: Okay. Can I hear a second?

2 MR. STRICKLIN: I'll second that motion.

3 MS. ESCHLEMAN: Can I just say that that was correct.

4 Anybody can sit for the exam, but you have to have
5 the 500 hours to get a license.

6 MS. PEARSON: Are your applicants --

7 MS. ESCHLEMAN: Oh, yeah, exactly. They have to have
8 500 hours.

9 MS. PEARSON: -- are they informed that because the NESL
10 is the national exam for state licensure, that it
11 really isn't?

12 MS. ESCHLEMAN: Not sure I understand the question.

13 MS. PEARSON: But they're not nationally certified.

14 They're --

15 MS. ESCHLEMAN: Oh, yes.

16 MS. PEARSON: -- aware of the two different variances.

17 MS. ESCHLEMAN: Yes. Very much so, yeah. Particularly
18 when you're in school. A person might not be aware
19 of his --

20 MS. PEARSON: Your organization is education is --

21 MS. ESCHLEMAN: And get a -- and get a thing that says
22 you have so much time to -- once they pass the
23 exam, it says you have so much time to convert to
24 national certification.

25 MS. PEARSON: Okay. Thank you very much.

1 MS. SHAW: Are we adjourned?

2 COURT REPORTER: Did you ask that, are we adjourned?

3 MS. TALLEY-PORTER: Yes.

4 *****

5 (Whereupon, the meeting was concluded at
6 12:50 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, CECELIA P. ENGLERT, COURT REPORTER AND NOTARY
3 PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE,
4 HEREBY CERTIFY THAT I RECORDED AND TRANSCRIBED THE SOUTH
5 CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION,
6 MASSAGE THERAPY/BODYWORK PANEL - PANEL MEETING ON THE
7 30TH DAY OF SEPTEMBER, 2011, AND THAT THE FOREGOING 73
8 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF THE
9 SAID HEARINGS.

10 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
11 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
12 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
13 INTERESTED IN SAID CAUSE.

14 I FURTHER CERTIFY THAT THE ORIGINAL OF SAID
15 TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO
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20 IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS
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