

AGENDA
South Carolina Massage/Bodywork Therapy Panel
Meeting
10:00 A.M., February 12, 2016
Synergy Business Park
Kingstree Building, Conference Room 105
110 Centerview Drive, Columbia, SC 29210

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the SC Massage/Bodywork Therapy Panel office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

2. Introduction of Panel Members and All Other Persons Attending

Chairman Janet Shaw called the meeting of the SC Massage/Bodywork Therapy Panel to order.

Other panel members participating in the meeting included:

- ❖ Jenny Mitchell
- ❖ Tony Ruggiero
- ❖ Denise Van Nostran

Staff members present included: Georgia Lewis, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Tina Behles, Court Reporter; Kathy Meadows, Office of Investigation (OIE); Megan Flannery, Office of Disciplinary Counsel (ODC)

3. Approval of Excused Absences

N/A

4. Approval of the Minutes for the Following Meeting:

November 13, 2015

Mr. Tony Ruggiero moved that we approve the minutes. Ms. Denise Van Nostran seconded his motion.

5. Approval of Agenda

Ms. Van Nostran moved that we accept the agenda. Mr. Ruggiero seconded the motion for approval.

6. Chairman's Remarks – Janet Shaw

This is a new and improved panel and she is excited to be able to move forward and make some changes. She encourages the attendees to invite others if they would like to and that they may call LLR with any questions and/or suggestions or anything that they would like addressed by administration or the panel or administration. She is also excited about the opportunities. We created a task force to look at our practice act and compared with the model practice act being created by the Federation of State Massage Therapy Boards (FSMTB), which is a national organization where the members are from state boards. Our panel is a member through LLR. This organization represents boards all across the nation. They are creating model practice acts that take from the best of the best. The FSMTB is working on other issues regarding licensure and continuing education, as well. It is also through where the NBLEX was created. We have a task force now. There is a matrix of consent agreements regarding licensure and legal issues. We want to have some consistencies of regulations and guidelines. Administration can take care of those issues and others can come to the panel. We want to get on 1 (one) page – with “this” problem, we do that, and with “that” problem, we do this. The committee has met twice since the last meeting and have developed sanctions. We will discuss this and have a final working draft by the next meeting.

Georgia Lewis added in that the panel meetings are public. She does encourage all interested parties to come. The panel can also listen to public comments, yet they cannot act on them. There is a very limited basis of what goes into executive session.

7. Administrator's Remarks – Theresa Richardson

a. **Budget** – December 2015

This is for information purposes only. If there are any questions, you may let her know.

b. **IRC Report** – Sharon Wolfe

Kathy Meadows stood in for Sharon Wolfe. There was one dismissal (cease and desist) and one letter of caution.

Tony Ruggiero moved to approve the IRC Report by making a motion. Jenny Mitchell seconded his motion to approve the report.

The motion carried unanimously.

c. **OIE Report** – Sharon Wolfe

Kathy Meadows stood in for Sharon Wolfe. From January 1, 2015 – December 31, 2015, this is for informational purposes only. It goes over how many were not opened or investigated and that some are pending. Chairman Shaw asked her to review the numbers.

- 32 (actions were taken)
- 1 (active investigation)
- 7 (cases closed)
- 16 (not opened because of the jurisdiction)
- 3 (pending action from the panel)
- 3 (criminal board action)
- 23 (closed last year)
- 16 (did not open)

The panel cannot have details about them. This is just to let the public know. Investigators are out there. We pay for that and are glad to have that. We can minimize our problems and change them to discourage problems as much as possible, according to Chairman Shaw.

d. **ODC Report** – Megan Flannery

There are Three (3) cases open in the ODC. They all are taking action and currently working on drafts. Two (2) cases have been closed since November of last year. They are trying to keep it on a lower trend.

8. Old Business

a. **Task Force for Massage Statute and Regulatory Changes**

Theresa Richardson wanted to make sure that the members would still be the same, but they still needed an association member.

Ms. Lewis stated that Tony Ruggiero, Denise Van Nostran, and Jenny Mitchell were alternate members. Tony Ruggiero is speaking with Amanda from AMTA with an assumption that Debra Gallup will be another member. He just received an e-mail on yesterday in reference to it. Denise Van Nostran is interested and Jenny Mitchell will be her alternate. Ms. Van Nostran asked if they were not compelled to follow anything regarding the model practice act. Chairman Shaw stated that it was a well-analyzed scale and that was correct. It is a suggestion; we do not have any jurisdiction over anybody. Ms. Richardson stated that the whole purpose is for uniformity when looking for licensure from state to state. Ms. Deborah Banker (IRC), who was in attendance, stated that she does not mind being a panel member for

the task force. Ms. Lewis says that we should have someone in the agency who knows how to organize tasks on the task force panel. She encourages all members to be involved, but she does not want to make the force too big. The task force will make recommendations to the panel. They cannot lobby or approach people. Holly Beeson was mentioned in her availability to answer any questions. We are very fortunate for it to be at the end of the 2 (two) year session. If the bill does not quite make it, it may go through for the next process. The statute and the regulations will be reviewed. The task force will meet as a public body. They really want to look at the statutes first and literally go through them. There is a fine line for regulations that is being enforced. You work through that in your statutory process. We want to feel like the public is safe. It is to protect the public. That is the mindset. Ms. Richardson and Ms. Lewis will be at the task force meetings. The ODC will not have a member on the task force, but they can provide them with guidance. One board that tried to change a statute ended up in that process for 5 years, so this does not happen overnight! The chairperson will control when they get together to meet. It can be done by a conference call, but that will be difficult. An AMTA person should be there to provide input, according to Chairman Shaw. She also the Commission of Higher Education. Ms. Van Nostran thinks that the ABMP is a for profit organization, so it is not the same. When dealing with them and the AMTA, we are dealing with apples and oranges. Chairman Shaw thinks that even if we intentionally invite them, we welcome their input. For the task force meeting, an agenda will be posted. Elaine Goodwin will be joining the task force. Tony Ruggiero would like to be the chairperson for the task force because of some issues that he wants addressed, which included getting a definition of the practice or profession as health care providers. This will allow them to apply for reimbursement and/or insurance. The states of Washington and Oregon already do that. It is a natural progression and a constant question. Ms. Van Nostran stated that the model practice act does not include what Mr. Ruggiero is speaking about. The act was built upon S.C. statutes and we do not want to recraft things. Ms. Lewis chimes in to let the group know that anything can be put on the table. That's what the task force does. Chairman Shaw mentioned that Sally Hacking is an expert on every law in every state. She is still available for conference calls or we may reimburse her for traveling. She would be very valuable to the task force. Ms. Lewis wants to ensure that Ms. Richardson had everyone's contact information. She stated that we cannot have discussion via e-mails for the task force, per the Freedom of Information Act. We can begin meeting in March, depending on availability. Wednesdays work best for Mr. Ruggiero. National input has gone into the task force that has gone into the current model practice act; we want to reach out to natural grassroots persons, says Ms. Van Nostran.

9. New Business

a. Consideration of Massage Education

i. Ronda Lee Whaley

She would like to practice in South Carolina and obtained her education in Georgia from a school that has closed down. She is currently licensed in Michigan. Ms. Whaley thinks that she should be granted a license to practice in South Carolina. Exhibit 1 was her transcript from the closed school that she had just received on the night before. Her transcript showed that she had 650 hours. Ms. Richardson states that it is a moot point as long as the panel accepts the copy of the transcript.

Mr. Ruggiero moved to accept the transcript provided and to approve the application. Ms. Van Nostran seconded the motion.

The motion carried unanimously.

The license will go into the mail on today and she will receive it on next week.

b. Consideration for Reinstatement with Expired Provisional Licensure

i. Tammy Georgallides

Ms. Georgallides would like to be granted full licensure after having an expired provisional licensure. She does not want to go through the full process of gaining full licensure. She was accepted and certified by AMTA. Her school did close and she does not have a transcript. She was grandfathered in and she was under the impression that she just had a regular license. She applied for a reinstatement application, but needed to do so within 4 (four) years of her license expiring, in which they expired in 2006. Anything after the 4 (four) years is null and void. Chairman Shaw asked Ms. Georgallides if she would have any qualms about taking the NBLEX. She does not, but it requires her to have transcripts, in which she cannot provide them.

Ms. Van Nostran made a motion to go into executive session. Ms. Mitchell seconded that motion, which carried unanimously.

Ms. Van Nostran made a motion to come out of the executive session. Mr. Ruggiero seconded that motion, which carried unanimously.

As a result of the executive session, Ms. Georgallides' reinstatement was denied because of her non-renewal after 2006. This is pursuant to 40-30-180-b. Her license is null and void. A motion was given by Chairman Shaw to be in favor of the decision given and seconded by Mr. Ruggiero, which carried unanimously.

It is not completely null and void. If you have the hours, you may take them to another school and it will be up to them on whether they will accept them or not. Licensing would need a transcript. Ms. Lewis thinks that she should go online and check the website and Ms. Van Nostran stated that this is consistent with what we have done before. Chairman Shaw asked if everyone were in favor of the motion and the motion carried unanimously. She also wants to add the sanctions to the next committee meeting.

c. Consideration of IRC Subcommittee Recommendations

They have talked about things that are seen most often as far as complaints and how they could be resolved.

Ms. Megan Flannery read over the recommendation materials. Ms. Lewis states that within criminal convictions, it is a convoluted approach to figure out what they did. With the staff's involvement, the IRC may not be able to see it. This is the start of how this is going. Are there any other items that need to be discussed as guidelines? We can look at possible misconduct and violations. These came up as to what you see most often. There are many other things that can come up, such as employees that do not report sexual misconduct and that we do not license businesses. Anything can come up as an initial complaint. If it is the course of evaluation, it went back to the licensee, then that may open up another complaint. Another issue is whether we want to license businesses. Mr. Ruggiero has read instances when a person is accused and it has previously happened in other locations. Formal complaints have to be done. We cannot go out looking for cases. Some reporting needs to be done. From a committee standpoint, what can we do after it gets from the Administrator? If there is another route to go, we will certainly do that. Rather than reporting the guy, he is shuffled off, then does it again. We do not have any type of authority if the location is not a licensee. All we can do is create awareness. The board may want to send out board news on reporting issues. Mr. Ruggiero says that this is very important as an employer to maintain the purity of the business. According to Ms. Lewis, the public stories have references for the panels to be included on. Chairman Shaw thinks that a disclaimer may be needed and that we still get expired licenses beyond the 4 (four) years. Ms. Lewis thinks that the staff can only do so much and some have reached a point where they are entitled to go before the board. Ms. Flannery needs feedback on the recommendations and hopes that at the end of it, they don't get consent agreements.

Mr. Ruggiero moved that we approve the guidelines as presented and Ms. Mitchell seconded the motion.

10. Public Comments

Ms. Richardson reminded everyone to hold onto CE. We send out letters to the individuals letting them know. Before we get to that level, we will know from the task force meeting on how they will be handled. Chairman Shaw is a believer in informing people. We cannot be long winded on the renewal notice. Everyone should be involved with completing the audit and they should be done in an open meeting. There are one 150 total audits that will be divided between 4 people. Ms. Lewis asked Ms. Richardson if there was something the staff could look into, in getting information back. Ms. Richardson answered by stating that the staff has a lot of work to do and that it should be left to the panel members.

The next meeting dates are May 13, August 12, and November 18 of this year. Renewing will be done at the end of June and we can send out audit letters mid-July to give 30 days to respond. This can be done by the November meeting date, which can be an agenda item for November (audits).

11. Adjournment

Mr. Ruggiero made a motion to adjourn the meeting. Ms. Van Nostran seconded that motion.

The meeting adjourned at approximately 12:17 p.m.

The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for May 13, 2016.