Meeting Called to Order - Public notice of this meeting was properly posted at the S. C. Massage Therapy/Bodywork 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.

Pledge of Allegiance:
All present recited the Pledge of Allegiance.

Public Notice:
Ms. Porter announced that public notice of this meeting was properly posted at the SC Massage/Bodywork 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.

Introduction of Panel Members and Other Persons Attending:
The Panel members introduced themselves. Ms. Carolyn C. Porter, Panel Chair from Greenville; Denise Van Nostran from the Low Country; Mr. Lou F. Hastings from Travelers Rest; Ms. Janet Shaw from West Columbia, and Mr. Charles Stricklin, Sr., from Charleston.

Staff members present: Sheridon Spoon, Advice Counsel; Andrew Rogers, Assistant General Counsel; Doris Cubitt, Administrator, Sharon Wolf, and DeLeon Andrews, Investigators; Roz Bailey-Glover, Malinda Pressley, Administrative Staff; and Barbara Washington, Court Reporter.

Others participating in the meeting included: Loyd N. Robinson, Jr., Debbie Banker, Chesley Phillips, Robert A. Texton, Lane Goodwin, Lindsay McCrackin, Darrell Lewis, Marion Davis, Vania Mavova.

Approval of Excused Absences – Jenny V. Mitchell

MOTION:
Mr. Strickland made a motion to excuse the absence of Jenny V. Mitchell. Mr. Hastings seconded the motion which carried unanimously.

Approval of Meeting Minutes: April 20, 2012

MOTION:
Mr. Strickland made a motion to approve the April 20, 2012 minutes. Ms. Shaw seconded the motion which carried unanimously.

Approval of Agenda

MOTION:
Ms. Shaw made a motion to approve the agenda. Mr. Strickland seconded the motion which carried unanimously.
Chairperson’s Remarks – Carolyn C Porter

Ms. Porter provided an update to the Panel on the MPA Committee. Ms. Porter is the only member of the Panel tasked with the project to help write legislation for massage therapy in the United States. The legislation will address problems with reciprocity from state to state. Ms. Porter is scheduled to meet with other members of the committee to finalize the draft. They are almost ready to share the information the committee has put together.

Interim Administrator’s Remarks, for Information – Doris Cubitt

Ms. Porter turned the meeting over to Interim Administrator, Ms. Doris Cubitt. Ms. Cubitt let the Panel know that Mr. Byron Ray, former Administrator, took another position within the agency, so she is filling in until the position can be filled. She urged the Panel to contact her with any questions or Panel matters. Ms. Cubitt reminded the Panel that any personal contact with the general public about any item should be directed to her since the Panel should not have any contact with the public except at a Panel meeting. All inquiries should be directed to Ms. Cubitt. A financial packet of information was provided to the Panel. Regarding the $500,000 from last year, that amount was a one-time deduction. The deduction happens from time to time, and the funds probably went in to the general fund. Ms. Cubitt provided her phone number to the Panel for future contact.

Legislative Update, if needed, Legislative Liaison Office

Ms. Cubitt stated that changes to the regulations, or notice of drafting is due in by August. Any changes must be ready by December for pre-filing downtown. Ms. Porter stated that she wants to wait for the new model practice act to be considered, and wants the Panel to review the legislation because Ms. Porter believes the document is the perfect legislation. Ms. Porter stated that after the review there will be some comments, and suggestions. Ms. Porter stated that the committee has been working on the model legislation for over a year. Ms. Cubitt let the Panel know that they do not have to make changes right now, and that the Panel could wait until they have the model legislation. The Panel can always make changes next year. Ms. Porter stated that she will provide a copy of the model legislation to the Panel members at the next meeting for review.


Mr. Andrews appeared before the Panel and reported that OIE has three active investigations from January 1, 2012 – July 20, 2012, and closed nine cases within the same timeframe. Mr. Andrews stated that there was one fraud case, and one aiding and abiding case. Ms. Porter thanked Mr. Andrews for the wonderful job he was doing for the Panel. Ms. Cubitt let the Panel know that if she receives an anonymous complaint, and obtains enough information, she can file an official complaint on behalf of the Panel. Mr. Andrews stated that police reports are not reported directly to the Panel. Ms. Porter stated that since the statute calls for a disciplinary panel, Dean Grigg and Sara McCartha cleared it with the legislature that since no one has been on the disciplinary panel for years, it was decided that the disciplinary duty was turned over to the Panel to handle cases directly. Ms. Porter stated that Mr. Grigg comprised the language already, so the disciplinary duty now belongs to the Panel.

OGC Report – Office of General Counsel – Andrew Rogers

Mr. Rogers provided the Panel with a report. Mr. Rogers stated that there are two open cases, two pending actions, and two cases were closed by OGC as of July 26, 2012. Now that the Panel has the disciplinary responsibility, he can prepare the cases as soon as he has a judge to present them to. Until that time, the cases will remain pending.

Advisory Opinions, if needed, Office of General Counsel – There were none.

Old Business – There was none.

New Business

Approval of License with Education Concerns - Vania A. Manova

Ms. Manova appeared before the panel because she obtained her massage therapist education outside of the United States, in Bulgaria. Ms. Manova does not hold a current license in the country of Bulgaria or any other state. Staff researched Ms. Manova’s education, and determined that Bulgaria does not have a Panel or Board of Massage Therapy. Ms. Manova attended the National Sport Academy in Sophia, Bulgaria. The translated documents show that Ms. Manova received 450 hours of massage practice, 630 hours of practical application
of massage techniques in hospitals regarding all methods of rehabilitation, and treatment of patients with
motor disabilities, and 600 hours of manual lymphatic drainage, a basic massage technique for treatment of
the lower limb illness known as Lymphedema. Ms. Manova stated she manages a business with two massage
therapist employees. In Bulgaria, she worked in a hospital for fifteen years as a full-time physical therapist
with massage. She has been in the United States for eight years where she started her business two years ago
in Myrtle Beach, SC. She passed the MBLEX examinations. Ms. Manova stated that in Bulgaria, at the four
year university she attended she studied physical therapy. Her SC business would incorporate esthetics and
massage therapy only. The Panel pointed out that the scope of practice is different in the United States from
Bulgaria, and that Ms. Manova can only do massage with a massage therapy license, and not physical
therapy, which is a different license.

Ms. Porter stated that the Panel had no further questions, and that the application would be discussed during
executive session. She added that staff would send Ms. Manova a letter on the final disposition of her license.
Ms. Manova was free to leave or await the final decision of the Panel.

MOTION:

Mr. Hastings made a motion to go into Executive Session to consult with Advice Counsel. Ms. Shaw
seconded the motion which carried unanimously.

The Panel returned from Executive Session.

MOTION:

Mr. Hastings made a motion to approve the license. Ms. Van Norstran seconded the motion which carried
unanimously.

Approval of License with Education Concerns - Lee Ann Polonus

Ms. Polonus submitted an initial application on April 2, 2012. She has requested a Panel appearance, because
she did not complete a massage school program with 500 clock hours. Ms. Polonus attended the Ariel Center
for Healing Arts Massage School. The massage program only offered 250 hours of training. All other
requirements for licensure in South Carolina have been met. Ms. Polonus was not present when her name
was called. No determination was made on her case.

Approval of License with Sanctions from Another State - YongMei Lu

Ms. Lu’s North Carolina license verification indicated her license in North Carolina was sanctioned by that
Board. Per Bonnie Kennedy at the North Carolina Board of Massage, Ms. Lu was issued a Cease and Desist
Order on April 28, 2011 for practicing massage therapy without a license. Part of the Order indicated that if
Ms. Lu wanted to practice massage in North Carolina she must submit a completed application for licensure,
and meet all requirements. Ms. Lu complied and was issued a massage therapy license in North Carolina on
July 19, 2011. Ms. Lu was not present when her name was called. No determination was made on her case.

Approval of Licenses with Background Report - Loyd N Robinson, Jr.

Mr. Loyd Robinson Jr., appeared before the Panel to renew his license with a criminal background report, and
pending charges. Mr. Robinson was licensed in South Carolina on April 12, 2006. Mr. Robinson stated that
he and a friend had a fight. There was an injury that was upgraded to an assault. Mr. Robinson stated that he
is not guilty, and was not convicted of the charges. Mr. Robinson stated that he is a contractor with a local
chiropractor and continues to work part-time as a massage therapist. Mr. Robinson stated that his continuing
education hours were up to date, and further believes that the case against him will be dropped. He does not
have a court date. Mr. Robinson stated that he enjoys working with his clients, and does not want to give up
his profession.

Ms. Porter stated that the Panel had no further questions for Mr. Robinson, and that his application would be
discussed during executive session. She added that staff would send Mr. Robinson a letter on the final
disposition of his license. Mr. Robinson was free to leave awaiting the final decision of the Panel.
MOTION:

Mr. Hastings made a motion to go into Executive Session to consult with Advice Counsel. Ms. Shaw seconded the motion which carried unanimously.

The Panel returned from Executive Session.

MOTION:

Ms. Shaw made a motion to approve the license pending the final disposition of charges be provided to the Panel. Mr. Strickland seconded the motion which carried unanimously.

Approval of Licenses with Background Report- Robert A Texton

Mr. Texton appeared before the Panel because his initial application contained a criminal background report. Mr. Texton has several misdemeanors dating from 2002 – 2007 and one felony on April 24, 2007 for grand larceny. Mr. Texton stated the misdemeanors were in the past stemming from bad check charges under $500, and the charges were combined. He went to jail for 72 days and paid restitution as well. Mr. Texton stated he had financial problems, and just miscalculated. The vehicle charge involved sharing a vehicle with someone. Mr. Texton did not return with the vehicle timely, so the person called the police, and Mr. Texton was taken to jail. He tried to have the charge dismissed but the county would not comply. Mr. Texton stated that he is very involved with his church, is in charge of a group home, and is also a minister. Mr. Texton stated that he is a good massage therapist, and brought in copies of his clinical reports for excellent service. He passed the examination, and had perfect school attendance. Mr. Texton feels that massage therapy is his calling, and also pointed out that he served four years in the military. Massage therapy will be his primary means of support, either in a mobile business or in pain management.

Ms. Porter stated that the Panel had no further questions for Mr. Texton, and that his application would be discussed during executive session. She added that staff would send Mr. Texton a letter on the final disposition of his license. Mr. Texton was free to leave awaiting the final decision of the Panel.

MOTION:

Mr. Hastings made a motion to go into Executive Session to consult with Advice Counsel. Ms. Shaw seconded the motion which carried unanimously.

The Panel returned from Executive Session.

MOTION:

Mr. Stricklin made a motion to approve the license with a two year probationary period. Mr. Texton will supply the Panel with a SLED report at the end of each year, at his own expense for the next two years. Ms. Van Norstran seconded the motion which carried unanimously.

Approval of Licenses with Background Report - Darrell Lewis

Mr. Lewis appeared before the Panel because he submitted a criminal background report with his license renewal which contained a pending felony charge. The background check shows the charge occurred on February 9, 2012 while performing a massage in 2011 and 2012. Mr. Lewis brought in a witness to testify on his behalf, Ms. Lindsey McCrackin. Mr. Lewis stated that the case did not go forward. Mr. Lewis stated that he has a business, and in 2011 he had many clients. Mr. Lewis brought in character reference letter for the Panels consideration. Mr. Lewis stated that he provided one hour couple massages. The massage in question went on as scheduled with a mother and daughter. The (mother) client left calmer than when she came in. At the conclusion of the massages, the daughter tipped him $20 for her and her mother. The next day the sheriffs came to his house. Mr. Lewis’ witness, Ms. McCrackin stated that she requested a separate room for the daughter who was her client. Neither client complained at the time of the massage or afterwards, and the tip was generous. Mr. Lewis stated the mother was very high strung, but left calmer after the massage. Mr. Lewis stated that his client base is loyal, and very supportive. As evidence of client loyalty, he has not lost any clients since the incident was made public. Mr. Lewis stated that he now voice records his sessions to protect himself and his business. Ms. McCrackin feels the entire accusation is unfounded since nothing happened inappropriately, and the situation is just awful.
Ms. Porter stated that the Panel had no further questions for Mr. Lewis and that his application would be discussed during executive session. She added that staff would send Mr. Lewis a letter on the final disposition of his license. Mr. Lewis was free to leave awaiting the final decision of the Panel.

**MOTION:**

Mr. Hastings made a motion to go into Executive Session to consult with Advice Counsel. Ms. Shaw seconded the motion which carried unanimously.

The Panel returned from Executive Session.

**MOTION:**

Mr. Hastings made a motion to approve the license pending the final disposition be provided to the Panel regarding the outstanding charges. Ms. Shaw seconded the motion which carried unanimously.

**Discussion**

**Accreditation Changes by NCBTMB - Ms. Debbie Banker**

Ms. Banker appeared before the Panel to discuss the matter of students taking the national examination prior to completing their course work. Ms. Banker assured the Panel that changes will be made to the examination regarding the schools, and taking the examination before course work is completed. The NCBTMB office will keep the examination scores of students who take the examination before completing their course work, and will not release the scores until all school hours are completed, and transcripts are received. Also, the NCBTMB website code will be emailed to Ms. Cubitt so that staff will be able to go online to see who has a license, and where they received it. Because students complete their textbook work, the schools want the students to take their examination before the hands on work begins.

**Panel Member Reports**

Mr. Hastings made a comment regarding the auditing of continuing education classes. Ms. Porter let Ms. Cubitt know that staff must start working on pulling random names or 30% of the licensee population who have renewed their license from the database for the CEU audit. The names will be divided among the panel members for review. Letters must be sent to the selected licensees to submit the CEU information. Ms. Cubitt will then schedule a work session for the Panel to review the information. Document should be returned to the Panel by the end of August for the October 2012 Panel meeting. Ms. Shaw suggested scheduling the work session in mid September for a final report at the October meeting. Mr. Hastings stated that the list of names were not in alphabetical order for the last audit. The list made it difficult to locate names, and wasted the Panel member’s time. Please alphabetize the list by last name. When the letter goes out, ask for proof of twelve CEUs within 30 days.

Ms. Porter spoke with Ms. McCartha regarding regulations corrections. However, Ms. Cubitt stated that she checked with legal, and found that the legislative changes were filed but were not passed. Handling disciplinary cases were part of the change that did not pass. While the Panel wants to hear the disciplinary cases, they will not be able to since the legislation did not pass. The legal department is in a holding pattern on those cases. Ms. Cubitt clarified that if the Panel is given the disciplinary authority, the Panel could hear the cases otherwise if a disciplinary committee is selected then they will hear the cases. Ms. Cubitt stated that the Governor appoints individuals to a disciplinary panel.

Ms. Cubitt stated maybe if the Panel becomes a Board then they will be able to hear the disciplinary cases. Changing from a Panel to a Board would be a legislative change. Ms. Porter asked Ms. Cubitt to speak with Ms. McCartha again and have her to come to the October meeting to discuss resubmission of the legislative changes that did not previously pass, and to discuss changing from a Panel to a Board.

**Public Comments**

Ms. Shaw expressed her disappointment with all of the LLR staff changes and that legal counsel has also changed, so there is no continuity in the service the Panel is receiving. Ms. Shaw wants clarification on what regulations were submitted the last time, and who will resubmit the changes this time around. Ms. Porter
stated that she will send an email to Ms. McCartha regarding the resubmission of the regulations that did not pass. Mr. Spoon let the Panel know that the legislative discussion should appear on the next Panel agenda in October. The members can discuss if the Panel needs to be changed to a Board, or if there should be a separate committee created to hear disciplinary cases.

Ms. Cubitt clarified that new legislation would be pre-filed in December and actually filed the first of January. The Panel would have October to make any changes to the legislation in order to be ready for December.

Adjournment

MOTION:

Mr. Hastings made a motion to adjourn the meeting. Ms. Van Norstram seconded the motion which carried unanimously.

The next meeting of the South Carolina Massage/Bodywork Panel will be October 19, 2012