South Dakota Board of Massage Therapy

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South Dakota Board of Massage Therapy
Regular Meeting
Monday, November 3, 2014

President Woitte called the meeting to order at 10:01 am central.

Present: Board Members Laura Woitte, Karen Kappel, Bridget Myers, Christine Ellwein, and Linda Zeller; Executive Secretary Jennifer Stalley; and legal counsel Jim Carlon and Steve Blair. Also present: Rhanda Heller. Gene Heller and Olawa Rae-Bruhjell attended the meeting via conference call.

Open Forum

Woitte asked for public comments. There were no comments from the public.

Approval of Minutes

Motion to approve the Board Minutes of July 21, 2104 by Zeller. Seconded by Ellwein. Motion carried.

Financial Report

Stalley presented the Financial Report as of October 4, 2014 for the Board's information.

Updated Board Policies Summary

Stalley presented the Board with an updated version of the Board's Policies Summary to replace any previous versions. Stalley noted the Board's Policies Summary is also available on the Board's website.

Office Update

Stalley presented an office update. Stalley informed the Board Heather Ellenbecker's last day with Midwest Solutions was Friday, October 31st. Heather is relocating with her family. Heather worked primarily with massage therapy licensees. A replacement has been hired to fill her role at Midwest Solutions and there will be no break in service to licensees.

Stalley presented the Board with the updated lists of new licensees and temporary permit holders since July 21, 2014.

Stalley presented the Board with an overview of the licensee numbers following the completion of the renewal and reinstatement period on October 31st. Stalley reported there are 769 active licensees, 194 inactive licensees and 6 temporary permit holders as of October 31st. Of the active licensees, the Board has e-mail addresses for 757; and of the inactive licensees, the Board has e-mail addresses for 167. There were 195 licensees who did not renew by September 30th and were sent an expiration notice and provided an opportunity to reinstate the license. As of November 1st, 94 licensees expired, and 28 of those licensees were originally grandfathered. Any reinstatement applications postmarked by October 31st will be allowed to reinstate.

Stalley reported that since July 1, 2013, 36 licensees have moved to inactive status and 134 new licensees have been approved. Stalley detailed the steps taken to ensure expired licensees were provided notice of all opportunities to reinstate or inactivate their license.

Stalley described the online renewal process as a success, but noted that approximately 60% of the online renewals required administrative assistance and only one-third of the renewals were submitted electronically.

Stalley informed the Board of the plan to send the next Board newsletter in early December. Myers suggested the newsletter contain information about the Alliance of Massage Therapy Education. Other suggestions from the Board will be provided to Stalley prior to the publishing deadline.

CPR Courses as Continuing Education

Motion to approve CPR courses as continuing education for 4 hours of continuing education credit by Myers. Seconded by Kappel. Myers withdrew the motion. Kappel withdrew the second.

Motion that the Board adopt a policy that CPR courses are accepted only from American Red Cross and American Heart Association certified instructors and count as 4 hours of continuing education per renewal period by Myers. Seconded by Kappel. Motion carried.

Application Hearing of Chao Wang

The Board noted the time and place for the application hearing of Chao Wang. Mr. Wang did not appear for the hearing. Stalley informed the Board that Mr. Wang contacted the office to inform the Board he was not planning to appear and did not wish to pursue the application.

Motion to deny the application of Chao Wang by Zeller. Seconded by Kappel. Motion carried.

Clarification of the Board's Code of Ethics for Massage Therapists

Stalley asked the Board for clarification on its action on May 16, 2011 regarding a Code of Ethics. Mr. Carlon explained the limitations on the Board's authority to promulgate rules or

formally adopt a Code of Ethics. He indicated the Board could find a Code of Ethics persuasive for purposes of providing guidance to licensees on professional conduct standards.

Motion to clarify the Board's May 16, 2011 policy recognizing the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) Code of Ethics as persuasive for the Board by Zeller. Seconded by Kappel. Zeller withdrew the motion. Kappel withdrew the second.

Motion to defer the issue of the Board's position on a Code of Ethics until the March board meeting by Kappel. Seconded by Myers. Motion carried.

Application Hearing of Fang Xia

The Board noted the time and place for the application hearing of Fang Xia. Ms. Xia did not appear for the hearing. Stalley informed the Board the office has not had any communication with Ms. Xia since the Notice of Hearing was sent.

Motion to deny the application of Fan Xia by Kappel. Seconded by Myers. Motion carried.

Federation of State Massage Therapy Boards Annual Meeting Report

Myers presented the Board with a report on her attendance of the Federation of State Massage Therapy Boards (Federation) Annual Meeting. Myers reported on the services available through the Federation and recommended the Board use these services more, such as legal services and drafting practice act language, since they are a benefit of membership. Myers also noted activities of other state boards to try to address human trafficking and unlicensed practice. Myers provided an update on the agreement reached by the Federation and the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) to have the Federation specialize in the examination of licensees and the NCBTMB specialize in the certification of continuing education courses and providers.

A copy of the Federation's Annual Report was shared with the Board and the public in attendance in person.

Appointment of Reviewing Board Member for Continuing Education and Applications

Motion to appoint Ellwein to serve as the reviewing board member for continuing education courses and new applications by Kappel. Seconded by Myers. Motion carried.

Practice Act Workgroup

Stalley explained the process by which a board can review its practice act to make recommendations for statutory changes. Stalley explained the timeline for submitting recommendations for statutory changes for 2015 passed. Stalley indicated that by beginning the review process now, the Board can review and recommend any statutory changes to the Department of Health for the 2016 Session. Stalley reminded the Board the role of the Board is to recommend changes, but the ultimate decision on moving those recommendations forward is

the Department of Health's. A practice act workgroup would allow the Board to seek stakeholder input on the recommendations and issues to see if there is consensus on changing any parts of the practice act.

Motion to appoint Ellwein and Myers to serve on a practice act workgroup by Kappel. Seconded by Zeller. Motion carried.

Long-Term Finance Workgroup

Stalley explained the process by which a board can establish a long-term financial plan to address the expenses of the board in meeting its statutory obligations. Stalley noted the Board has access to annual reports dating back to the inception of the Board, but the quality of those reports may vary.

Motion to appoint Zeller and Kappel to serve on the long-term finance workgroup by Ellwein. Seconded by Myers. Motion carried.

Executive Session

Motion to go into Executive Session for consideration of contested cases at 12:12 pm by Kappel. Seconded by Zeller. Motion carried.

Motion to come out of Executive Session at 12:55 pm by Zeller. Seconded by Ellwein. Motion carried.

Financial Summary

Motion to approve the Financial Summary as of October 4, 2014 by Kappel. Seconded by Ellwein. Motion approved.

Application Hearing of Anne Schwenk

The Board noted the time and place for the application hearing of Anne Schwenk. Mr. Blair informed the Board that legal counsel for Ms. Schwenk notified his office of Ms. Schwenk's intent to withdraw her application. Mr. Blair will confirm this intention in writing, but he noted it is appropriate for the Board to act in accordance with Ms. Schwenk's intentions as presented by her legal counsel.

Motion to all Anne Schwenk to withdraw her application for licensure by Ellwein. Seconded by Zeller. Motion carried

Election of Officers

Woitte called for election of officers of the Board for the upcoming year.

Motion to elect Kappel as president by Zeller. Seconded by Myers. Motion carried.

Motion to elect Zeller as vice-president by Kappel. Seconded by Ellwein. Motion carried.

Motion to elect Ellwein as secretary by Zeller. Seconded by Myers. Motion carried.

Announcements

Stalley reminded the Board of the meeting schedule for 2015.

Adjourn

Motion to adjourn by Kappel. Second by Ellwein. Motion carried.

Respectfully Submitted,

Karen A. Kappel

Karen Kappel, Secretary