



South Dakota Board of Massage Therapy

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South Dakota Board of Massage Therapy Regular Meeting Monday, July 21, 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: Olawa Rae-Bruhjell, Robb Shuttlesworth, and Rhanda Heller. Yelle Turner attended the meeting via conference call.

Woitte asked for public comments. Heller addressed the Board. She expressed her appreciation for and dissatisfaction with the recent licensee newsletter, noting the improved communication was good, but the wording of the information on license renewal was technically correct but perhaps not informative enough. She would like to see the newsletter provide more information about the availability of the conference call option for participating in the Board's meetings. Heller also commented on the need to allow public comment at both the beginning and the end of the Board's meetings to allow the public to comment on items discussed during the meeting. Heller asked the Board to propose legislation to address the issue of a felony barring a person from qualifying for a license. She also questioned the long term finances of the Board under the current rates of spending and current license rates.

Motion to approve the Board Minutes of March 17, 2014 with a change to the time Rhanda Heller joined the meeting to 10:40 am via telephone n by Zeller. Seconded by Ellwein. Motion carried.

Stalley presented the Financial Report. Motion to approve the Financial Report as of June 28, 2014 by Kappel. Seconded by Ellwein. Motion carried.

Stalley presented the Board with an updated version of the Board's Policies Summary to replace the previous version.

Stalley presented an office update. She presented the Board with lists of new licensees (25) and temporary licensees (3) since March 2013. There were no expired licensees.

Stalley reported the Board's newsletter was sent to all licensees in June. Comments on the newsletter have been positive and the mailings are allowing the Board more opportunities to ensure correct mailing addresses for licensees. The newsletters are posted on the website for licensees and the public.

Stalley reviewed the revised application forms for a new license, license renewal and reinstatement of a license. She informed the Board the forms have been revised to align with the online renewal forms and the information that will be captured in the online database. She noted that some questions on previous versions were removed because they are unnecessary or redundant and statistical question were added to meet the request of the Department of Labor. The Board reviewed the applications and offered suggestions for revisions. The final versions of the forms will be used beginning August 1st and will be available on the Board's website.

Stalley noted the revised Application for License will be sent directly to the massage therapy schools in South Dakota to request the schools' help in making sure students use the most up to date application version when applying. This correspondence will also be used to clarify the Board's determination regarding a felony conviction's impact on meeting the qualifications for licensure.

Motion to adopt the Findings of Fact and Conclusions of Law in the Matter of the Application of Jennifer Greene 2014-001, and enter a final order denying the application for licensure by Ellwein. Seconded by Zeller. Motion carried.

Motion to adopt the Findings of Fact and Conclusions of Law in the Matter of the Application of Julia Read 2014-002, and enter a final order denying the application for licensure by Kappel. Seconded by Ellwein. Motion carried.

Stalley provided the Board with an update on the transition to the new online database and renewal system. She noted a letter informing all active licensees about the renewal period of August 1st to September 30th was sent on July 1st. Twelve licensees contacted the Board office to have renewal information sent directly to them on August 1st. All returned letters from the mailing were forwarded when possible; or, the licensee was called to obtain a correct address so information about renewal could be forwarded. The final phases of testing of the online renewal system have taken place. Renewals will be received August 1st through September 30th and the online system will automatically open and close on those dates. Licensees who do not renew within that time frame will be notified by mail on October 1st and have until October 31st to renew. During that time period, the licensee cannot practice. If the licensee fails to renew by October 31st, the person would have to reapply for a new license.

Motion to allow licensees who receive their original license on June 1st or later each year to be issued a license that is valid through September 30 of the following year by Zeller. Seconded by Myers. Motion carried.

Motion to go into Executive Session for consideration of contested cases and contractual matters at 11:09 am by Zeller. Seconded by Ellwein. Motion carried.

Motion to come out of Executive Session at 12:26 pm by Kappel. Seconded by Ellwein. Motion carried.

Motion by Zeller to continue Application Case 2014-003, Anne Schwenk, at the request of the applicant. Seconded by Kappel. Motion carried.

Motion by Kappel to continue Application Case 2014 – 004, Chao Wang, at the request of the applicant. Seconded by Ellwein. Motion carried.

Motion by Ellwein to continue Application Case 2014 -005, Fang Xia, at the request of the applicant. Seconded by Kappel. Motion carried.

Motion by Zeller to renew the Board's membership in the Federation of State Massage Therapy Boards. Seconded by Ellwein. Motion carried. Myers voted No.

Motion to dismiss Complaint 2013-01 by Kappel. Seconded by Ellwein. Motion carried.

Motion to dismiss Complaint 2014-01 by Myers. Seconded by Kappel. Motion carried.

Motion by Zeller to renew the Board's contract with Midwest Solutions for executive and administrative services for one year with a 3% increase by Zeller. Seconded by Ellwein. Motion carried. Myers voted No.

Rae-Bruhjell, having been absent at the earlier opportunity, addressed the Board as a member of the public. She asked for clarification on the limitations on a temporary permit and whether a temporary permit holder requires supervision to practice under the permit. She also asked if a school that is a recognized facility pursuant to administrative rule can operate additional sites in different locations. Carlon instructed Rae-Bruhjell that she would need to seek the advice of her own legal counsel or request a declaratory ruling from the Board on the matter to receive a formal answer from the Board.

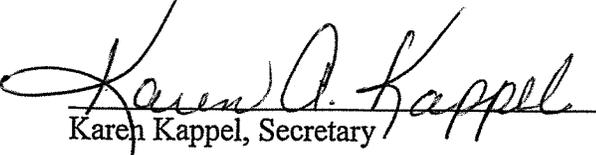
Motion to approve the 2015 meeting dates for the Board on March 16, 2015; June 15, 2015; September 21, 2015; December 14, 2015, by Myers. Seconded by Ellwein. Motion carried.

Stalley reminded the Board of its next scheduled meeting on November 3, 2014. Myers asked the Board to consider a special workgroup to look at possible legislation in 2015 to address the growing number of establishment opening that purport to be massage therapy salons but are not providing massage therapy services. She referenced recent changes to state law in Iowa. Stalley indicated the timeline for moving legislation forward as a Board was well under way but an inquiry about possible legislation would be made and reported back to the Board before the next meeting.

Stalley reminded the Board of the informal meeting between the Board and the Cosmetology Commission at 4:30 pm at the offices of the Cosmetology Commission to informally discuss matters of mutual interest. No business will be conducted at this meeting and the public is invited to attend.

Motion to adjourn by Zeller. Second by Ellwein. Motion carried. The meeting was adjourned at 1:09 pm.

Respectfully Submitted,


Karen Kappel, Secretary