



South Dakota Board of Massage Therapy

P.O. Box 340, 1351 N. Harrison Ave., Pierre, SD 57501-0340

Ph: 605-224-1721

Fax: 1-888-425-3032

E-mail: SDBMT@midwestsolutionssd.com

doh.sd.gov/boards/Massage

South Dakota Board of Massage Therapy Regular Meeting Monday, December 14, 2015

President Kappel called the meeting to order at 10:24 am central and determined a quorum.

Present in Person: Board Members Karen Kappel, Linda Zeller, Christine Ellwein, Bridget Myers and Margaret Johnson; Executive Secretary Jennifer Stalley; administrative staff Lisa Harsma; legal counsel Jim Carlon; and Assistant Attorney General Steve Blair. Also present in person: Olawa Rae-Bruhjell, Andrew Wilka, Shicai Yan, Qui Jie Wu, Yufang Xie, and Jun Huguenin. Present via telephone: Lacey Spralding, Deb Calmus, Gene Heller, Rhanda Heller and Al Trace.

Public Forum

Kappel asked for public comments. Deb Calmus, Rhanda Heller and Olawa Rae-Bruhjell addressed the Board.

Approval of the Agenda

Motion to approve the agenda as proposed with the noted case file number correction by Zeller. Seconded by Johnson. Motion carried.

Executive Session

Motion to go into executive session for consideration of contested cases and contractual matters at 11:03 am by Johnson. Seconded by Ellwein. Motion carried.

Motion to come out of executive session at 11:52 am by Ellwein. Seconded by Zeller. Motion carried.

Approval of Minutes

Motion to approve the Board Minutes of September 21, 2015 without any correspondence attached by Ellwein. Seconded by Johnson. Motion carried.

Financial Report

Motion to approve the Financial Report as of October 31, 2015 by Johnson. Seconded by Zeller. Motion carried.

Office Update

Stalley presented an office update. Stalley noted that Board member e-mails have been added to the Board's website to allow members of the public to contact the members directly. Stalley informed the Board that Linda Zeller has been reappointed to the Board for another term. Stalley also updated the Board on the Board's appearance before the Government Audit and Operations Committee. Stalley also noted that the Board has been asked to present information about its role to an informational session of the Sioux Falls City Council in January.

Stalley provided an update on the 2015 renewal process. Overall the renewal process went very well. Approximately 57% of licensees used the online system for part or all of their renewal. The Board's office called 235 grandfathered licensees to ensure notification of the renewal requirements. Approximately 95% of the grandfathered licensees renewed, 4% of grandfathered licensees went inactive and 1% of grandfathered licensees expired. As of December 10, 2015 there are 797 active licensees, 219 inactive licensees. 10 temporary permit holders and 10 pending applications.

Stalley presented the Board with the updated lists of new licensees and temporary permit holders since September 15, 2015.

Stalley presented the updated Board Policies and Positions document to replace earlier versions of the document.

Stalley reported that there has not be a final determination on the Board's proposed legislation for the 2016 Session.

Adoption of the Minutes and Order in the Matter of the Declaratory Ruling Regarding ARSD 20:76:08:01 SL 2013, ch 184

Motion to approve the minutes and adopt the declaratory ruling regarding ARSD 20:76:08:01 SL 2013, ch 184 and instruct legal counsel to file a petition in circuit court by Johnson. Seconded by Ellwein. Motion carried. Myers abstained.

Adoption of Findings in the Matter of Application of Yuafang Zhi #2015-007

Motion to adopt the findings of fact and conclusions of law and sign the final order in the matter of the application of Yuafang Zhi and to overrule the objections of the applicant by Zeller. Seconded by Johnson. Motion carried.

Licensee Newsletter

Motion to approve the December licensee newsletter with the addition of information about the teleconference option for board meetings and the announcement that this edition will be the last printed and mailed edition by Johnson. Seconded by Ellwein. Motion carried.

Long Term Finance Workgroup Report

Zeller presented an update on the Long Term Finance Workgroup. Zeller reviewed the summary sheets on the Board's expenses, revenues, cash balance and licensees. Zeller indicated that the largest expense of the Board is executive services. The workgroup will wait to make formal recommendations until the contract for executive services is established at the next meeting.

Records Retention Policy

Motion to approve the updated Records Retention Policy by Zeller. Seconded by Myers. Motion carried.

Federation of State Massage Therapy Boards Annual Meeting Report

Myers provided an update on her participation in the Federation of State Massage Therapy Boards annual meeting. Myers highlighted the sessions she attended and provided a summary of issues discussed. A copy of the Federation's annual report can be found on its website for more detail on the meeting.

Hearing in the Matter of Yufang Xie (#2015-005)

The Board noted the time and place for the disciplinary hearing of Yufang Xie. Ms. Xie appeared before the Board with her legal counsel, Andrew Wilka, and presented information concerning the complaint against her alleging unprofessional conduct. Mr. Shicai Yan served as the interpreter for Ms. Xie.

Hearing in the Matter of Jun Huguenin (#2015-008)

The Board noted the time and place for the application hearing of Jun Huguenin. Ms. Huguenin appeared before the Board with her legal counsel, Andrew Wilka, and presented information concerning her application for licensure. Mr. Shicai Yan served as the interpreter for Ms. Huguenin.

Hearing in the Matter of Shuxia Guan (#2015-006)

The Board noted the time and place for the application hearing of Shuxia Guan. Ms. Guan did not appear for the hearing.

Executive Session

Motion to go into Executive Session for consideration of contested cases and contractual matters at 4:49 pm by Johnson. Seconded by Zeller. Motion carried.

Motion to come out of Executive Session at 5:00 pm by Johnson. Seconded by Zeller. Motion carried.

Motion to accept the proposed settlement in Complaints #2015-002/2015-004 by Johnson. Seconded by Ellwein. Motion carried.

Motion to go into Executive Session for consideration of contested cases and contractual matters at 5:01 pm by Johnson. Seconded by Myers. Motion carried.

Motion to come out of Executive Session at 5:45 pm by Myers. Seconded by Zeller. Motion carried.

Executive Services Proposal

Motion to proceed with a request for proposals for executive services to be published on December 16, 2015 and due on February 10, 2016 by Myers. Seconded by Johnson. Motion carried.

Election of Officers

Motion to elect Kappel as president, Zeller as vice president and Ellwein as secretary of the Board for one year terms by Johnson. Seconded by Ellwein. Motion carried.

Meeting Schedule for 2016

Motion to schedule Board meetings on March 14, 2016 and June 13, 2016 for the upcoming year by Zeller. Seconded by Ellwein.

Action on Hearings

Motion to revoke the license of Yufang Xie due to unprofessional conduct for one year and require her to reapply for licensure at that time pursuant to Complaint #2015-005 by Zeller. Seconded by Johnson. Motion carried.

Motion to deny the application of Shuxia Guan (#2015-006) by Zeller. Seconded by Ellwein. Motion approved.

Motion to deny the application of Jun Huguenin (#2015-008) by Myers. Seconded by Zeller. Motion carried.

Announcements

Kappel reminded the Board to take note of the scheduled meetings for 2016.

Adjourn

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

Respectfully Submitted,


Christine Ellwein, Secretary