



South Dakota Board of Massage Therapy

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

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doh.sd.gov/boards/Massage

SOUTH DAKOTA STATE BOARD OF MASSAGE THERAPY

Regular Meeting

Conference Room #3, Kneip Building

700 Governors Drive, Pierre, SD

Monday, March 16, 2015 - 10:00 AM CDT

Agenda

- 1) Call to Order
- 2) Open Forum: *15 minutes for the public to address the Board*
- 3) Approval of Minutes: November 3, 2014
- 4) Financial Report: As of February 28, 2015
- 5) Updated Board Policies (*Informational*)
- 6) Office Update:
 - a. New Licensee List
 - b. Application Revisions
 - c. Renewal Preparations
- 7) Old Business:
 - a. Long Term Finance Workgroup
 - b. Practice Act Workgroup
 - c. Code of Ethics
- 8) New Business:
 - a. Application Hearings (Files included in Packet)
 - Application License Hearing for Li Li #2014- 011 (11:00 am)
 - Application License Hearing for Bryan Broussard #2014-006 (11:30 am)
 - Application License Hearing for Yamin Yang #2014-008 (1:00 pm)
 - Application License Hearing Chuyan Chen #2014-007 (1:30 pm)
 - Application License Hearing of Chuyan Yang #2014-010 (2:00 pm)
 - Application License Hearing of Meijun Zhang #2015-001 (2:15 pm)
 - Application License Hearing of Chuyan Bi #2014-009 (2:30 pm)
 - b. Board Complaint/Discipline Jurisdiction Presentation
Recommendation: The Board adopt a policy to authorize the Executive Secretary to refer complaints alleging unlicensed practice to the state's attorney at the time the complaint is filed with the Board and dismiss the complaint due to lack of jurisdiction.
- 9) EXECUTIVE SESSION:
Pursuant to SDCL 1-25-2 (3) for consideration of proposed contested cases or contractual matters
- 10) Announcements:
 - a. Upcoming meetings
 - a. June 15, 2015
 - b. September 21, 2015
 - c. December 14, 2015
- 11) Adjourn

Please contact the Board at 605-224-1721 or SDBMT@midwestsolutionssd.com by March 13, 2015 at 5:00 pm (CDT) if you wish to join this meeting via teleconference.



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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 Kappel, Secretary

Remaining Authority by Object/Subobject

Expenditures current through 02/28/2015 09:51:00 AM

HEALTH -- Summary

FY 2015 Version -- AS -- Budgeted and Informational

FY Remaining: 33.7 %

09211 Board of Massage Therapy - Info						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
EMPLOYEE SALARIES						
5101030 Board & Comm Mbrs Fees	2,418	600	0	0	1,818	75.2
Subtotal	2,418	600	0	0	1,818	75.2
EMPLOYEE BENEFITS						
5102010 Oasi-employer's Share	256	51	0	0	205	80.1
Subtotal	256	51	0	0	205	80.1
51 Personal Services						
Subtotal	2,674	651	0	0	2,023	75.7
TRAVEL						
5203030 Auto-priv (in-st.) H/rte	4,000	1,011	0	0	2,989	74.7
5203100 Lodging/in-state	650	111	0	0	539	82.9
5203140 Meals/taxable/in-state	100	72	0	0	28	28.0
5203150 Non-taxable Meals/in-st	200	64	0	0	136	68.0
5203260 Air-comm-out-of-state	1,000	0	0	0	1,000	100.0
5203300 Lodging/out-state	1,000	0	0	0	1,000	100.0
Subtotal	6,950	1,258	0	0	5,692	81.9
CONTRACTUAL SERVICES						
5204020 Dues & Membership Fees	900	1,341	0	0	-441	0.0
5204050 Computer Consultant	0	6,892	5,915	0	-12,807	0.0
5204080 Legal Consultant	10,000	4,162	0	0	5,838	58.4
5204090 Management Consultant	48,410	29,253	35,032	0	-15,875	0.0
5204160 Workshop Registration Fee	500	0	0	0	500	100.0
5204200 Central Services	578	539	0	0	39	6.7
5204204 Central Services	250	114	0	0	136	54.4
5204207 Central Services	650	197	0	0	453	69.7
5204360 Advertising-newspaper	350	0	0	0	350	100.0
5204460 Equipment Rental	50	0	0	0	50	100.0
5204510 Rents-other	500	0	0	0	500	100.0
5204530 Telecommunications Srvc	500	218	0	0	282	56.4
5204550 Garbage & Sewer	0	52	0	0	-52	0.0
5204590 Ins Premiums & Surety Bds	1,000	0	0	0	1,000	100.0
5204620 Taxes & License Fees	0	911	0	0	-911	0.0
5204960 Other Contractual Service	200	521	0	0	-321	0.0

Remaining Authority by Object/Subobject

Expenditures current through 02/28/2015 09:51:00 AM

HEALTH -- Summary

FY 2015 Version -- AS -- Budgeted and Informational

FY Remaining: 33.7 %

Subtotal	63,888	44,200	40,947	0	-21,259	0.0
SUPPLIES & MATERIALS						
5205020 Office Supplies	450	55	0	0	395	87.8
5205310 Printing-state	600	358	0	0	242	40.3
5205320 Printing-commercial	600	410	0	0	190	31.7
5205350 Postage	1,000	2,164	0	0	-1,164	0.0
Subtotal	2,650	2,987	0	0	-337	0.0
52 Operating						
Subtotal	73,488	48,445	40,947	0	-15,904	0.0
Total	76,162	49,096	40,947	0	-13,881	0.0

BA1409R1

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 02/28/2015

PAGE

121

AGENCY: 09 HEALTH
BUDGET UNIT: 09211 BOARD OF MASSAGE THERAPY

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092100061840	1140000	111,951.55	DR	BOARD OF MASSAGE THERAPY
COMPANY/SOURCE TOTAL 6503 618			111,951.55	DR *	
COMP/BUDG UNIT TOTAL 6503 09211			111,951.55	DR **	
BUDGET UNIT TOTAL 09211			111,951.55	DR ***	



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South Dakota Board of Massage Therapy Board Policies & Positions

Any officer of the Board may sign documents on behalf of the Board. (Board Action March 6, 2006)

The Board shall join the Federation of State Massage Therapy Boards. (Board Action April 18, 2006)

Massage therapy students may perform supervised externships without a license. (Board Position October 14, 2008)

Reiki is not massage therapy. Reiki classes are not continuing education compliant. (Board Position April 16, 2009)

SDCL 36-35-12 allows the Board to recognize compliant continuing education hours to fulfill deficient hours for licensure. (Board Action August 6, 2010)

Online training/education is accepted by the Board as long as there is at least 200 hours of hands-on training and it is from a Board-recognized institution. (Board Action February 4, 2011)

The NCBTMB Code of Ethics was adopted by the Board. (May 16, 2011)

A licensee grandfathered in another state does not meet reciprocity requirements in South Dakota. (Board Action July 25, 2011)

Repeat continuing education courses are acceptable for two compliance periods in a row, but not a third compliance period. (Board Action September 23, 2011)

Schools accredited by the Accrediting Bureau of Health Education Schools are recognized as an acceptable facility for purposes of meeting the recognized facility requirements for licensure. (Board Action September 17, 2012)

A mailing list of massage therapist licensees, including only name and primary mailing address of a licensee, will be available in a PDF format for one-time use for a fee of \$100. (June 17, 2013)

The Board may approve an application from an applicant with training and study in the practice of massage therapy from a combination of two or more facilities or instructors recognized by the Board. (Declaratory Ruling on SDCL 36-35-12(4) and ARSD 20:76:08, June 17, 2013)

The Board considers the following information collected of licensees by the Board to be public: Original License Category; License Status; Complaint(s); First Name; Middle Name; Last Name; Maiden Name; Primary Address; Primary City; Primary State; Primary Zip Code; Issue Date; Expiration Date; and Inactive Date. All other information collected by the Board is considered confidential. (Board Action June 17, 2013)

For purposes of demonstrating the education required for initial licensure, the Board recognizes facilities that are accredited by an accrediting body recognized by the United States Department of Education. (Board Action March 17, 2014)

The Board pro-rates the hours of continuing education required for renewal of a licensee licensed on or after October 1, 2012 in six month increments, with 8 hours required if licensed within 19-24 months of renewal; 6 hours required if licensed within 13-18 months of renewal; 4 hours if licensed within 7-12 months of renewal; and 2 hours required is licensed within 0-6 months of renewal. (Board Action March 17, 2014)

The Board does not accept education from a school that is no longer operational and was not recognized by a state board or recognized accrediting body while in operation. (Board Action March 17, 2014)

The Board does not accept carryover continuing education credits for multiple renewal periods. (Board Acton March 17, 2014)

The Board may pre-approve education courses if the courses meet the statutory requirements for qualifying continuing education. (Board Action March 17, 2014)

The Board will 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. (Board Action July 21, 2014)

The Board accepts CPR courses only from American Red Cross and American Heart Association certified instructors and such courses count as 4 hours of continuing education per renewal period. (Board Action November 3, 2014)

~~A mailing list of licensed massage therapists will not be made available for purchase, but a list of licensees will be posted on the Board's website. (Board Action January 19, 2006) (Repealed June 17, 2013)~~

This is a summary of policies and positions adopted by the South Dakota Board of Massage Therapy on specific issues. This summary is not an exhaustive list of all policies and positions of the South Dakota Board of Massage Therapy and should not be relied on as an exhaustive list.

Updated 11.3.14

Issued Licenses 11.3.14 through 2.27.15

License Number	First Name	Middle Name	Last Name	Original License Date	City	State
MT11357	Tasha		Arroyo	12/08/2014	Rapid City	SD
MT11358	Christina		Baumann	12/08/2014	Black Hawk	SD
MT11359	Leslie		Brueggeman	12/11/2014	Miller	SD
MT11360	Tina	Mofan	Cao	01/21/2015	Durham	NC
MT11361	Nicole		Cigelske	01/21/2015	Fargo	ND
MT11350	Michelle	J.	Cox	11/07/2014	Sioux Falls	SD
MT11351	Danielle	De	Fiegen	11/12/2014	Dell Rapids	SD
MT11366	Jennifer		Greene	02/23/2015	Estelline	SD
MT11362	Shawn		Guenther	01/21/2015	Sioux Falls	SD
MT11356	Kelly	Nicole	Jackson	12/07/2014	Rapid City	SD
MT11353	Vonnie	M.	Jonson	11/17/2014	Black Hawk	SD
MT11354	Megan		Kaup	11/26/2014	Sioux Falls	SD
MT11365	Teresa	J	Leuning	02/11/2015	Mitchell	SD
MT11355	Leslie	R.	Nuckles	12/02/2014	Custer	SD
MT11352	Donna	Marie	O'Brien	11/13/2014	Aberdeen	SD
MT11367	Bianca		Resch	02/23/2015	Brookings	SD
MT11364	Mathew		Soderstrom	02/02/2015	Spearfish	SD
MT11363	Sean		Struxness	02/02/2015	Mobridge	SD

Temporary Permits Issued 11.3.14 through 2.27.15

Permit #	First Name	Last Name	City	State	Issued Date	Expiration Date
TEMP22	Izumi	Kane	Sioux Falls	SD	12/19/2014	6/19/2015
TEMP23	Ashley	Kjellsen	Newell	SD	01/22/2015	7/31/2015
TEMP24	Tamara	Tipton	Canton	SD	01/22/2015	7/31/2015