



South Dakota Board of Massage Therapy

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Meeting Minutes

South Dakota Board of Massage Therapy

Best Western Plus Hotel & Conference Center

3200 W. Maple Street, Sioux Falls

September 25, 2017

President Kappel called the meeting to order at 10:31 am. A quorum was present.

Members of the Board present in person: Karen Kappel, Linda Zeller, Christine Ellwein, Meg Johnson and Bridget Myers.

Others in attendance in person: Jennifer Stalley, executive secretary, Grant Flynn, assistant attorney general, Kristine O'Connell, board counsel, Morgan Brekke, board counsel, Ashley Tanner, Department of Health, Heather Payden, Debbie Calmus, Marissa Hopkins, Valerie Rowen, Rhanda Heller, Gene Heller, Danielle Rivera, and Caroline Garcia.

Kappel introduced Kristine O'Connell and Morgan Brekke of Woods, Fuller, Schultz & Smith as the Board's legal counsel.

Kappel called for public comments. Valerie Rowen, Debbie Calmus, Marissa Hopkins and Rhanda Heller addressed the Board.

Zeller made a motion to approve the agenda. Ellwein seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Ellwein moved to go into executive session for consideration of contractual matters pursuant to SDCL 1-25-2 and invite Ashley Tanner and legal counsel to join the Board at 10:53 am. Zeller seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Kappel declared the Board out of executive session at 11:35 am.

Zeller moved to offer a contract to provide executive services for the Board to Promethean Tactics of Rapid City. Ellwein seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, and Johnson voted aye. Myers voted nay. **MOTION PASSED.**

Zeller moved to go into executive session for consideration of proposed contested cases pursuant to SDCL 1-25-2 and invite Jennifer Stalley and legal counsel to join the Board at 11:59 am.

Zeller seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Myers was excused from the executive session at 12:36 pm.

Kappel declared the Board out of executive session at 12:56 pm.

The Board noted the time and place for the Hearing in the Matter of the Licensure of Kaitlynn Kullnat at 1:05 pm. Ms. Kullnat appeared before the Board with her advocates Gary Cavigielli and Cathy Cavigielli. Ms. O'Connell acted as Hearing Officer for the hearing.

Zeller moved to go into executive session for consideration of proposed contested cases pursuant to SDCL 1-25-2 and invite Jennifer Stalley and legal counsel to join the Board at 2:26 pm. Ellwein seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Kappel declared the Board out of executive session at 3:03 pm.

Zeller moved to deny the license application of Kaitlynn Kullnat. Myers seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Johnson moved to accept the Settlement Agreement, approve the offered continuing education course and authorize the President to sign the order in Complaint 2016-005. Zeller seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, and Johnson voted aye. Myers abstained. **MOTION PASSED.**

Ellwein moved to dismiss Complaint 2017-001. Johnson seconded the motion. The Board voted by roll call. Kappel, Ellwein, Johnson and Myers voted aye. Zeller abstained. **MOTION PASSED.**

Zeller moved to dismiss Complaint 2017-002. Ellwein seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, and Johnson voted aye. Myers abstained. **MOTION PASSED.**

Johnson moved to dismiss Complaint 2017-003. Ellwein seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, and Johnson voted aye. Myers abstained. **MOTION PASSED.**

Johnson moved to dismiss Complaint 2017-004. Ellwein seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, and Johnson voted aye. Myers abstained. **MOTION PASSED.**

Zeller moved to approve the meeting minutes of May 24, 2017 and July 11, 2017. Ellwein seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Ellwein moved to approve the financial statements of July 1, 2017 and September 2, 2017. Johnson seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Stalley provided the Board with an office update. Stalley provided the Board with an update on renewal applications received to date. Renewal ends on September 30th. Stalley also provided the Board with the timeline to transition executive responsibilities and Board property to the new executive secretary. Stalley reviewed the list of new licensees with the Board.

Ellwein moved to defer the Federation of State Massage Therapy Boards Annual Meeting report to the next meeting. Zeller seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Stalley provided the Board with an updated copy of the administrative rules approved by the Interim Rules Review Committee. Stalley reported the Committee adopted all of the Board's recommended changes from April 10, 2017 except for changes to ARSD 20:76:02:02 (Fees) and ARSD 20:76:04 (Disciplinary Proceedings).

Johnson moved to approve the proposed updates to the Boards Policies and Positions to reflect changes adopted in the administrative rule changes. Zeller seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Johnson moved to table the Complaint Procedures Operating Policy draft. Zeller seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Zeller moved to schedule the next Board meeting on March 19, 2018. Johnson seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Zeller moved to adjourn the meeting at 3:35 pm. Ellwein seconded the motion. The Board voted by roll call. Kappel, Zeller, Ellwein, Myers and Johnson voted aye. **MOTION PASSED.**

Respectfully Submitted,

Christine Ellwein, Secretary