

Meeting Minutes
South Dakota Board of Massage Therapy
Regular Meeting
Thursday, January 9, 2020
10:00 am CST
Cultural Heritage Center
900 Governors Drive, Pierre, SD

Call In Number 605 472 5671 Pin Number 574257#

Members of the Board present: Christine Ellwein, Bridget Myers, Lorin Pankratz and Fallon Helm

Members of the Board present via phone: Alvin Trace

Others present: Mitch Richter, Executive Secretary, Julie Richter, administrative assistant to Executive Secretary, Chelsea Wenzel, Office of the SD Attorney General, Marty Syrstad, Tom Sullivan, Olawa Rae-Bruhjell, Rhanda Heller, Tonia McGeorge and Valerie Rowen

Others present via phone: Bob Mercer and Morgan Brekke, Board legal counsel.

Call to Order

The meeting of the South Dakota Board of Massage Therapy ("Board") was called to order at 10:03 am CST. Board President Christine Ellwein facilitated the meeting.

Roll Call

Roll call was taken by Mitch Richter of Board members. A quorum was present.

Approval of Agenda

The agenda was changed to discuss apprenticeships after open forum. Bridget Myers made a motion to approve the proposed agenda. Fallon Helm seconded the motion. **MOTION PASSED.**

Approval of Minutes

Fallon Helm made a motion to approve the November 12, 2019 meeting minutes. Bridget Myers seconded the motion. **MOTION PASSED**

Board Elections

Lorin Pankratz made a motion to appoint Christine Ellwein. Motion failed for lack of a second.

Fallon Helm made a motion to nominate Bridget Myers as President. Second was made by Bridget Myers. Discussion followed. The Board voted. Bridget Myers and Fallon Helm voted aye. Christine Ellwein, Lorin Pankratz and Alvin Trace voted nay **MOTION FAILED**

Fallon Helm made a motion to nominate Christine Ellwein as President. Second was made by Lorin Pankratz. Discussion followed. The Board voted. Christine Ellwein, Lorin Pankratz, Fallon Helm and Alvin Trace voted aye. Bridget Myers voted nay. **MOTION PASSED**

Lorin Pankratz made a motion to nominate Bridget Myers as Vice President. Second by Fallon Helm. No discussion. The Board voted. Christine Ellwein, Bridget Myers, Lorin Pankratz, Fallon Helm, and Alvin Trace voted aye. **MOTION PASSED**

Bridget Myers made a motion to nominate Fallon Helm as Secretary. Second by Christine Ellwein. No discussion. The Board voted. Christine Ellwein, Bridget Myers, Lorin Pankratz, Fallon Helm, and Alvin Trace voted aye. **MOTION PASSED**

Open Forum

Christine Ellwein called for public comments each was limited to 5 minutes.

Tonia McGeorge

addressed the Board

Rhanda Heller

addressed the Board

Bridget Myers

addressed the Board

Apprenticeships

Tonia McGeorge presented her research on apprenticeships throughout the United States.

Review of proposed rules/legislation

Mitch Richter explained the Review of proposed rules/legislation handout.

Lorin Pankratz made a motion to adopt the proposed changes to massage therapy administrative rules on pages 1 – 4 of the handout that was presented by Mitch Richter. Second by Alvin Trace. Lorin Pankratz withdrew the motion.

Mitch Richter explained and Proposed changes to massage therapy statutes re: biennial renewal schedule handout as well as the Review of proposed rules/legislation handout. Discussion was had.

Bridget Myers made a motion to propose changes in the 2020 legislative session to the statutes to biennial licensure, on 36:35:17 increase ceiling to \$100 annual license fee, on 36:25:24 reinstate #4 and #5 that were removed in 2016 and to add the title protection that has been presented by FSMTB. Second by Fallon Helm. The Board voted. Christine Ellwein, Bridget Myers, Lorin Pankratz, Fallon Helm, and Alvin Trace voted aye. **MOTION PASSED**

Current Licensure Issues

Mitch Richter explained the issues of an unusual number of applicants from California that do not meet the South Dakota requirements. It takes many hours to research the qualifications of the applicant and often times the applicant is not eligible for a license.

Unlicensed/Denial Update

Mitch Richter explained that the Board is working on up to 9 denials. Each denial takes a great deal of time.

Secretary Report

Mitch Richter updated the board on the license renewals for 2019 and unlicensed massage therapists the work with law enforcement.

Executive Session

Upon a motion by Bridget Myers and second by Lorin Pankratz the Board voted to go into executive pursuant to SDCL 1-25-2(4) for a consultation with legal counsel and invited Mitch Richter, Chelsea Wenzel and Morgan Brekke with Woods Fuller Shultz & Smith PC via phone to join the Board at approximately 1:31 pm.

Upon a motion by Bridget Myers and second by Fallon Helm the Board unanimously voted to go out of executive session at 1:51 pm.

Lorin Pankratz made a motion to dismiss Complaints #2019-002 and #2019-003 on the basis that they involve individualized business practices issues that are already

being addressed in a separate civil action and do not implicate the board's disciplinary authority and public protection purposes. Second by Bridget Myers. The Board voted. Christine Ellwein, Bridget Myers, Lorin Pankratz, Fallon Helm, and Alvin Trace voted aye. **MOTION PASSED**

Open Forum

Christine Ellwein called for public comments for members who did not speak previously.

Marty Syrstad

addressed the Board

Set Next Meeting

Christine Ellwein stated the next tentative Board meeting will be after the legislative session in March or the first part of April 2020.

Adjourn

Bridget Myers made a motion to adjourn the meeting at approximately 20:23 pm CST. Second by Fallon Helm. The Board voted. Christine Ellwein, Bridget Myers, Lorin Pankratz, Fallon Helm, and Alvin Trace voted aye. **MOTION PASSED**

DRAFT