

## **SOUTH DAKOTA BOARD OF MASSAGE THERAPY MEETING MINUTES**

Wednesday, March 20, 2024  
1601 N Harrison Ave Suite 6 Pierre SD  
And Teams Meeting

### **1. Call to Order**

President Fallon Helm called the meeting to order at 9:00 am CDT. Members of the public could join the meeting via tele-conferencing or Teams Meeting.

President Fallon Helm read the roll and a quorum was established.

**Members Present:** Fallon Helm – via Teams Meeting  
Kallyn Reinert – via Teams Meeting  
Al Trace – via Teams Meeting  
Thor Thonvold, via Teams Meeting

**Members Absent:** N/A

**Others Present:** Kate Boyd, Executive Secretary – via Teams Meeting  
Steve Blair Staff Legal Counsel – via Teams Meeting  
Tamara Lee, DOH Attorney – via Teams Meeting

**Guests Present:** Olawa Rae-Bruhjell, Heather Herrick, Mike Oster, Randa Heller,  
Bridget Myers, Alora Weinrich, Ashley Hernandez, Bob Mercer-KELO

President Fallon Helm welcomed new Board member, massage therapist Thor Thonvold from Watertown, South Dakota.

### **2. Approval of Agenda**

A motion was made by Al Trace, seconded by Kallyn Reinert, to approve the agenda as presented. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Trace yea, Thonvold yea)

### **3. Open Forum**

Olawa Rue-Bruhjell and Heather Herricks requested time to address the Board. Ms Rue-Bruhjell brought up the subject of compensation for student services. She said that North Dakota is in the process of pursuing an administrative rules change to allow schools to charge clients for student massage therapy services, with the student allowed to accept tips directly from the client.

Heather Herricks suggested that the Board consider Title Protection and also licensing massage therapy schools.

### **4. Approval of February 21, 2024 Meeting Minutes**

Kallyn Reinert pointed out that her name is misspelled in the sentence about approving the meeting agenda. Kallyn Reinert made a motion, seconded by Al Trace, to approve the minutes of the February 21, 2024 meeting as corrected. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Trace yea, Thonvold yea)

### **5. Executive Secretary Report and Updates**

**Financial Report for the month ending February 29, 2024** - Executive Secretary Kate Boyd reported that the financial report for the month ending February 29, 2024, showed the available budget for the remainder of FY 2024 of \$2,574.66 and cash center balance of \$49,427.24 (reserve funds).

**Attendance at Federation of State Massage Therapy Boards Executive Directors Summit**  
Executive Secretary Kate Boyd informed the Board that she will be attending the Federation of State Massage Therapy Boards (FSMTB) Executive Directors Summit April 3-5, 2024 in Savannah, Georgia. This is a forum for executive directors from all the states to come together to share common issues and how they are being dealt with in their individual states. FSMTB pays for one person to attend their meetings. This one is specifically for executive directors. Their annual conference will be later in the year and they will pay for one representative from South Dakota to attend.

#### **6. Round-table Report of March 14, 2024 Meeting**

President Fallon Helm reported on the March 14, 2024 Round-table meeting that was held with massage therapy school staff and representatives of the national associations. The roundtable group was initially formed to address Title IV education funding for students at accredited schools. Beginning July 1, 2024, the federal rule for qualification of Title IV funding is being changed so that students do not qualify if their school requires more hours than the state's required hours. Additionally, the threshold for any clock-hour program to qualify is 600 hours. During the meeting it was noted that all South Dakota schools require more hours than South Dakota's 500 hours, with some schools requiring up to 750 hours. There was a consensus of round-table group that legislation needs to be introduced in 2025 to raise the required education hours. The group will be meeting three times prior to the May 2, 2024 Board meeting. The group also discussed the need to regulate schools, developing a process to approve new schools, licensing of instructors. The Board needs to finalize what issues, if any, they would like to pursue for legislation in 2025. Draft legislation will need to be submitted to the Department of Health by mid-August.

#### **7. Disciplinary Cases 2023-002 and 2023-003 Massage Therapy Board vs HaiLing Zang – Consider Assessing Costs**

At the February 21, 2024 Board meeting, the motion to revoke HaiLing Zang's massage therapy license included provisions assessing costs against Ms. Zhang. Attorney Steve Blair stated that recoverable fees are \$228.48 for travel for a witness, \$337.50 for the court reporter's appearance fee, and \$510.00 for transcription fees. The total amount is \$1075.98. The Board was also asked to determine when the costs must be paid.

Kallyn Reinert made a motion, seconded by Thor Thonvold, to assess HaiLing Zang costs of \$1075.98 for the November 15, 2023 contested case hearing and to require payment in the form of cash or a certified check. The \$1075.98 fees must be received within 90 days or Ms Zang has the option to make arrangements for a payment plan of up to 12 months. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Trace yea, Thonvold yea)

#### **8. Application Approval/Denial TEMP147 and**

#### **9. Application Approval/Denial T10867**

At 9:51 am, Al Trace made a motion, seconded by Kallyn Reinert, to go into Executive Session to discuss agenda items 8. Application Approval/Denial TEMP147 and 9. Application Approval/Denial T10867. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Trace yea, Thonvold yea)

The Board exited Executive Session at 10:21 am and made the following motions.

Kallyn Reinert made a motion, seconded by Al Trace, to not grant approval of Application #TEMP147 based on the information provided and instead route the application into the 36-1C review process. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Trace yea, Thonvold yea)

Kallyn Reinert made a motion, seconded by Thor Thonvold, to not grant approval of Application #T10867 based on the information provided and instead route the application into the 36-1C review process. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Trace yea, Thonvold yea)

#### **11. Adjourn**

Kallyn Reinert made a motion, seconded by Al Trace to adjourn. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Trace yea, Thonvold)

The meeting was adjourned at 10:25 am.

Respectfully submitted,

Executive Secretary Kate Boyd and Secretary Al Trace