

# South Dakota State Board of Massage Therapy

Wednesday, April 7, 2021  
Digital Zoom and Regular Meeting  
9:00 AM – Noon CST

Zoom Meeting link information  
<https://us02web.zoom.us/j/88999937625>

If dialing by phone  
1 346 248 7799 Meeting ID: 889 9993 7625

Department of Labor 2330 N. Maple Ave. Rapid City SD  
Business Services Room  
Proposed Agenda

1. Call to order
2. Roll Call
3. Approval of Agenda

## Old Business

4. Signing of minutes approved during November 18, 2020 board meeting. Requested by Fallon Helm.
5. Approval of November 18, 2020 minutes.
6. 2021 legislative update
7. New school pathway

## New Business

8. Secretary Report
9. Board Member Opening
10. Executive Session SCL 1-25-2(3), FY2022 Contracts, Complaints
10. Open Forum
11. Adjournment

# Meeting Minutes

## South Dakota State Board of Massage Therapy

Wednesday November 18<sup>th</sup>, 2020 at 9:27 AM CDT  
Department of Labor 2330 N. Maple Ave. Rapid City SD  
And Digital Zoom Meeting

### **Members of the Board present on Zoom:**

Christine Ellwein, Al Trace, Fallon Helm, Lorin Pankratz.

### **Others in attendance via Zoom:**

Mitch Richter, Executive Secretary, Justin Williams, Department of Health Legal Counsel, Megan Borchert, Department of Health Board Attorney

### **Others in attendance at Department of Labor:**

Julie Richter, Administrative Assistant

### **Others in attendance via Zoom who wish to be recognized:**

Jenna Krcil, Heavenly Touch Massage, Chandelle Brink, Laura B Embleton, National Government Relations Director, Associated Bodywork & Massage Professionals, Olawa Rae-Bruhjell, Springs Bath House School of Massage & New Leaf Body Spa, Mele-Ann Rae-Bruhjell, Springs Bath House School of Massage & New Leaf Body Spa, Danielle Schwantes, Tru Massage Therapy, Christine Hooper, Program Manager, Legislative & Regulatory Affairs, American Massage Therapy Association, Heather Herrick, South Dakota School of Massage Therapy, Rebecca Herrmann, South Dakota School of Massage Therapy, Rhanda Heller and Rick Albrecht

### **Call to Order**

The meeting of the South Dakota Board of Massage Therapy (“Board”) was called to order at approximately 9:27 AM CDT and the presence of a quorum was confirmed. Board President Christine Ellwein facilitated the meeting

### **Roll Call**

Roll call was taken by Mitch Richter of Board members

### **Approval of Agenda**

The Board reviewed the draft agenda. Lorin Pankratz made a motion to approve the agenda. Second by Al Trace. Voting yes, Christine Ellwein, Lorin Pankratz, Alvin Trace and Fallon Helm. **MOTION PASSED.**

### **Approval of Minutes**

Fallon Helm made a motion to approve the board minutes of June 22, 2020, August 17, 2020 and August 27, 2020. Second by Alvin Trace. Voting yes, Christine Ellwein, Lorin Pankratz, Alvin Trace and Fallon Helm. **MOTION PASSED.**

## **Financials**

A review of the October 2020 financial reports was given by Mitch Richter, Executive Secretary.

Al Trace made a motion to revise the agenda to have open forum now instead of at the end of the agenda. Second by Fallon Helm. Discussion followed. Voting yes, Alvin Trace, Fallon Helm. Voting no, Lori Pankratz, Christine Ellwein. **MOTION FAILED.**

## **Board Member Opening**

Board Member update of status and term of each current board member was presented by Mitch Richter, Executive Secretary.

## **Board Elections**

Mitch Richter, Executive Secretary informed the Board that the Vice President position was no longer filled due to Bridget Myers no longer being on the Board.

The choice was to fill the open Vice President position or leave the slate of board members as is without a Vice President.

Lorin Pankratz made a motion to have the slate of board members of Christine Ellwein as President, Alvin Trace as Vice President and Fallon Helm as Secretary. Second by Christine Ellwein. Discussion followed. Voting yes, Lorin Pankratz and Christine Ellwein. Abstained by Alvin Trace and Fallon Helm. **MOTION FAILED**

Lorin Pankratz made a motion to nominate Alvin Trace and Fallon Helm as Secretary. Second by Fallon Helm. Voting yes, Christine Ellwein, Lorin Pankratz, and Fallon Helm. Abstained Alvin Trace. **MOTION PASSED**

## **Meeting Attendees**

Mitch Richter, Executive Secretary discussed the practice of listing the attendees on the board minutes and the difficulty capturing every person.

Fallon Helm made the motion the Board meeting minutes will reflect people who give testimony, individuals who request recorded presence and board members. Second by Alvin Trace. Discussion followed. Voting yes, Lorin Pankratz, Christine Ellwein, Alvin Trace and Fallon Helm. **MOTION PASSED**

## **Continuing Education for Zoom Meetings**

Mitch Richter, Executive Secretary presented the difficulty of giving continuing education credit for Zoom meetings.

Fallon Helm made the motion to create a form to provide to attendees of the board meeting given a form to complete proving attendance of entire meeting. With the form getting approval of the approving board member. Second by Alvin Trace. Discussion followed. Voting yes, Lorin Pankratz, Christine Ellwein, Alvin Trace and Fallon Helm. **MOTION PASSED**

## **2020 Legislation/Rules**

Mitch Richter explained no new legislation from the Board will be proposed and no new rules will be moved forward. The Department of Health has not approved these items as of this time. Approval of the Department of Health is required for all new legislation and rules.

### **Executive Session**

Upon a motion by Lorin Pankratz and second by Alvin Trace the Board voted unanimously to go into executive session pursuant to SDCL 1-25-2(3) to discuss legal issues with legal counsel at approximately 11:40. All other participants exited the meeting at that time by being put into the waiting room on Zoom. Second by Alvin Trace. Voting yes, Lorin Pankratz, Christine Ellwein, Alvin Trace and Fallon Helm. Julie Richter exited executive session at approximately 12:45

Upon a motion by Helm and second by Trace the Board unanimously voted to go out of executive session at 1:55 pm

### **Application for Temporary Permit Review T10583**

Julie Richter, Administrative Assistant presented the temporary permit application for file #T10583.

Lorin Pankratz made a motion to deny temporary license file #T10583 on the grounds of; SDCL 36-35-10. Practice of massage without license or employment of unlicensed person as misdemeanor, SDCL 36-35-13. Unprofessional conduct. (2) Providing the board false or misleading information on any application for a license or renewal of a license; and SDCL 36-35-13. Unprofessional conduct (8) Failure to comply with any provision of this chapter. Second by Alvin Trace. Discussion followed. Voting yes, Lorin Pankratz, Christine Ellwein, Alvin Trace and Fallon Helm. **MOTION PASSED**

### **Application for License Review T10148**

Julie Richter, Administrative Assistant presented the license application for file #T10148.

Fallon Helm made a motion to deny granting a license to applicant #T10148 due to failure to meet eligibility on the grounds of SDCL 36-35-10. Practice of massage without license or employment of unlicensed person as misdemeanor, SDCL 36-35-13. Unprofessional conduct. (2) Providing the board false or misleading information on any application for a license or renewal of a license; and SDCL 36-35-13. Unprofessional conduct (8) Failure to comply with any provision of this chapter. Second by Lorin Pankratz. Discussion followed. Voting yes, Lorin Pankratz, Christine Ellwein, Alvin Trace and Fallon Helm. **MOTION PASSED**

### **Complaint 2020-002 and Complaint 2020-003**

Mitch Richter presented complaint number 2020-002 and complaint number 2020-003.

Alvin Trace made a motion to dismiss complaint 2020-002. Second by Fallon Helm. Voting yes, Lorin Pankratz, Christine Ellwein, Alvin Trace and Fallon Helm. **MOTION PASSED**

Alvin Trace made a motion to dismiss complaint 2020-003. Second by Lorin Pankratz. Voting yes, Lorin Pankratz, Christine Ellwein, Alvin Trace and Fallon Helm. **MOTION PASSED**

Lorin Pankratz exited the meeting at approximately 1:30.

### Secretary Report

Mitch Richter updated the board on the license renewals for 2020. There were 806 active licensees, 10 temporary permit holders and 346 inactive licensees as of 11/6/2020. There are 25 applications in process. The financial reports for October 2020 were presented.

Mitch Richter proposed tentative dates for next year's board meetings.

Wednesday, April 7, 2021	9 am central time.	Location to be determined
Wednesday, July 7, 2021	9 am central time.	Location to be determined
Wednesday, August 25, 2021	9 am central time	Location to be determined
Wednesday, November 17, 2021	9 am central time.	Location to be determined

### Open Forum

Christine Ellwein called for public comments.

Rebecca Hermann	addressed the Board
Olawa Rae-Bruhjell	addressed the Board
Rick Albrecht	addressed the Board
Julie Richter, Administrative Assistant	responded to statements made by Rick Albrecht
Rhanda Heller	addressed the Board

### Adjournment

Alvin Trace made a motion to adjourn the meeting at approximately 2:50pm CDT. Second by Fallon Helm. Voting yes, Christine Ellwein, Alvin Trace and Fallon Helm. **MOTION PASSED**

Respectfully submitted,

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Fallon Helm, Secretary

# South Dakota State Board of Massage Therapy

Wednesday, April 7, 2021  
Digital Zoom and Regular Meeting

## Items #4

Signing of minutes approved during November 18, 2020 board meeting. Requested by Fallon Helm.

Julie

In review of the previous minutes (that I requested be sent for approval and signature) I noticed we did not change the noted tardies, nor did the draft get changed for the November 18th meeting where there were tardies and board members left before we ended meeting.

Regardless of how we proceed this needs to be documented for accurate records and should be consistent across the board. Prior to signing I would like this addressed with board to clarify how we are moving forward. This was brought up prior to voting for approval of previous meetings minutes and was not noted.

"Fallon Helm made a motion to approve the board minutes" after I commented on this concern. (not documented on draft)

Please let me know how you would like to proceed.

You have been generous in your offer to take minutes and if this is a responsibility of my position I am happy to do so moving forward. I appreciate your willingness and support.

Fallon Helm

On Monday, January 25, 2021, 12:37:41 PM CST, SD Board of Massage Therapy <[sdbomt@gmail.com](mailto:sdbomt@gmail.com)> wrote:

Fallon,

**Meeting Minutes**  
**South Dakota Board of Massage Therapy**  
Monday, June 22, 2020 at 7:40 PM CST  
Digital Zoom Meeting

The meeting of the South Dakota Board of Massage Therapy (“Board”) was called to order at approximately 7:40 PM. CST and the presence of a quorum was confirmed. Board President Christine Ellwein facilitated the meeting.

Roll call was taken by Ellwein of Board members.

**Members of the Board present in person:** Christine Ellwein, Bridget Myers, Al Trace Loren Pankratz, Fallon Helm

**Others in attendance in person:** Mitch Richter, Executive Secretary, Morgan Brekke, Rhanda Heller, Olawa Rae-Bruhjell, Heather Herrick, Rebecca Herman Senator Jim Stalzer

The Board reviewed the draft agenda, Pankratz motion to approve, Trace Second. Voting Yes Ellwein, Pankratz, Trace, Helm, Myers. **MOTION PASSED.**

Four people addressed the board. Heather Herrick, Olawa Rae-Bruhjell, Rebecca Herman, Rhanda Heller.

Motion by Myers to defer rule package to a date certain seconded by Helm, Pankratz made a substitute motion to move forward with the rules package approved without the Recognized Facilities rule, motion died for lack of a second. Pankratz made a substitute motion to Table the proposed rule change for 20:76:08:01. Died for lack of a second. Voting NO were Ellwein, Pankratz, Abstaining Helm and Trace, Voting Yes Myers. **MOTION FAILED.**

Motion by Trace to move forward with administrative rules without the recognized facilities rule 20:76:08:01. Pankratz second. Voting Yes were Ellwein, Pankratz, Trace, Helm. Voting No Meyers, **MOTION PASSED**

Pankratz made a motion to adjourn the meeting seconded by Fallon at approximately 9:00 p.m. CST. Ellwein, Myers, Pankratz, Helm, & Trace voted Yes **MOTION PASSED.**

Respectfully submitted,

  
\_\_\_\_\_  
Fallon Helm Secretary





**Meeting Minutes**  
**South Dakota Board of Massage Therapy**  
Monday, August 17, 2020 at 9:00 AM CST  
Digital Zoom Meeting

The meeting of the South Dakota Board of Massage Therapy (“Board”) was called to order at approximately 9:06 AM. CST and the presence of a quorum was confirmed. Board President Christine Ellwein facilitated the meeting.

Roll call was taken by Richter of Board members.

**Members of the Board present on zoom:** Christine Ellwein, Bridget Myers, Al Trace, Fallon Helm, Pankratz joined about 10 minutes into the start of the meeting.

**Others in attendance:** Mitch Richter, Executive Secretary, Morgan Brekke, Justin Williams

Bridget Myers made a motion to add agenda items of FSMTB Delegate and next board meeting to the bottom of the agenda before adjournment, second by Trace. Voting Yes Ellwein, Trace, Helm, Myers. **MOTION PASSED.**

Motion by Trace to accept minutes of May 19<sup>th</sup> and June 22<sup>nd</sup> , second by Helm. Vote **PASSED UNANIMOUSLY.**

Four people addressed the board. Pam ?? , Olawa Rae-Bruhjell, Lorena Haynes, Rick Albrecht, Rebecca Herman, Rhanda Heller, Barb ??

Justin Williams legal counsel from Dept. Of Health addressed the board on meeting protocols.

Morgan Brekke legal council for the board addressed the board on governing issues and purpose of the board and expectations for board members.

Fallon Helm moved to provide statutory language on draping similar to Georgia’s language, second by Trace. After some discussion Fallon made a substitute motion to her motion to include into the Georgia language both professional and guest to refuse draping to refuse service where draping is compromised. Seconded by Myers. Roll call vote **PASSED UNANIOMOUSLY**

Myers moved to adopt section 106A Title Protection from the model practice act to include in legislation, second by Helm.

Roll call **PASSED UNANIOMOUSLY.**

Rules hearing update. Richter only proponent, 7 opponents. Data shows 36 people would be affected by the inactive fee and 26 affected by the late fee that are being proposed.

Richter updated the board on license renewal that started on August 1<sup>st</sup>.

Financial update was given by Kari Buckles from Dept. Of Health finance department. She reviewed the financial statements that are provided on the website monthly. Effort will be made to also post the revenue and expenses monthly to the website.

Myers made a motion to go into executive session pursuant to SDCL 1-25-2 (3) & (4) second by Trace. Roll call **PASSED UNANIMOUSLY**

Helm made a motion to come out of executive session, second by Trace. Roll call Voting Yes were Helm, Trace, Ellwein.

Myers left the meeting during executive session and was not present for anything after executive session.

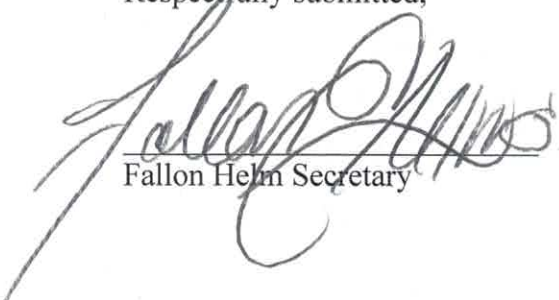
Helm made a motion to approve application T-10568 second by Trace. Roll Call voting YES were Ellwein, Trace, Pankratz, and Helm. **PASSED 4-0**

Trace moved to dismiss complaint 2020-001, second by Helm. Roll call Voting Yes were Ellwein, Helm and Trace. **Passed 3 – 0** Myers recused from the Vote and Pankratz being the investigator did not vote.

President Ellwein appointed herself to the FSMTB 2020 annual meeting. — *HELM & MYERS BOTH ASKED AND VERBALLY W/ FSMTB VERBAL CONSENT GIVEN*

Helm made a motion to adjourn the meeting at 3:45 PM seconded by Trace. Roll Call Voting Yes were Ellwein, Pankratz, Trace and Helm.

Respectfully submitted,



Fallon Helm Secretary



**Meeting Minutes**  
**South Dakota Board of Massage Therapy**  
Thursday August 27, 2020 5:00 PM CST  
Zoom Teleconference

The meeting of the South Dakota Board of Massage Therapy ("Board") was called to order at approximately 05:00 PM CST and the presence of a quorum was confirmed. Board President Christine Ellwein facilitated the meeting.

**Members of the Board present telephonically:** Christine Ellwein, Loren Pankratz, Al Trace. Bridget Myers, Fallon Helm joined at approximately 5:20. *HELD & WAITING IN Zoom WAITING ROOM.*

The Board reviewed the draft agenda, Myers motion to approve as is, Pankratz Second. Roll call was taken and the **MOTION PASSED UNANIMOUSLY** With Helm not yet in attendance.

Pankratz made a motion to approve the minutes of the August 17<sup>th</sup> meeting with Trace Second. Discussion was held on the accuracy of the minutes. Substitute amendment from Pankratz to include the individual from AMTA as speaking in open forum Trace agreed with second. Change in the motion was made to include the name. Roll call vote **PASSED UNANIMOUSLY**, With Helm not in attendance.

Ellwein called for public comments. Rebecca Herman, Olawa Bruhjell, Rhanda Heller, Bridget Myers addressed the board.

Helm joined the meeting.

Motion by Trace to move forward with the rules without the fees as part of the rules. The motion died for lack of a second. Motion by Pankratz to drop the rules package until sometime in the future. Second by Myers. Roll call was taken and the **MOTION PASSED UNANIMOUSLY**.

Pankratz made a motion to adjourn the meeting, Second by Trace. A roll call vote was taken, and the **MOTION PASSED UNANIMOUSLY**.

Respectfully submitted,



Fallon Helm Secretary





## Meeting Minutes Example

**Meeting Minutes**  
Name of Board, Commission or Advisory Council  
Building/Location, City, SD Zip Code  
Month Day, Year  
Time AM/PM to Time AM/PM (CST) / (MST)

**Call Information:**  
Call In Number: (605-XXX-XXXX)  
Access Code: (XXXXXXX)

**Members Present:**

**Members Absent:**

**Department Staff Present:**

**Others in Attendance:**

**Purpose:** Summary statement of the Board, Commission or Advisory Council (The purpose of the board shall be to guide or advise the ...)

- I. **Call to Order/Welcome and Introductions** <Name>  
<Member Name> called the meeting to order at <Time> <AM/PM> and welcomed members to the meeting.
- II. **Roll Call** <Name>  
<Member Name> called the roll. A quorum was present.
- III. **Approval of Agenda** <Name>  
<Member Name> made a motion to approve the meeting agenda. <Member Name> seconded the motion. **MOTION PASSED.**
- IV. **Approval of Minutes** <Name>  
<Member Name> made a motion to approve the <Date> meeting minutes. <Member Name> seconded the motion. **MOTION PASSED.**
- V. **Action Item** <Name>
- VI. **Action Item** <Name>
- VII. **Executive Session** <Name>  
<Member Name> made a motion to go into executive session pursuant to SDCL 1-25-2(1) for the purpose of discussing a personnel matter. **OR** <Member Name> made a motion to go into executive session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel. **MOTION PASSED.**
- VIII. **Public Testimony/Public Comment Period** <Name>
- IX. **Set Next Meeting Date** <Name>
- X. **Adjourn** <Name>