

Meeting Minutes

South Dakota State Board of Massage Therapy

Wednesday, April 7, 2021, 9:00 AM CST
Department of Labor 2330 N. Maple Ave. Rapid City SD
And Digital Zoom Meeting

Members of the Board:

Christine Ellwein, Fallon Helm, Lorin Pankratz, Alvin Trace

Others in attendance

Mitch Richter (“Richter”), Executive Secretary, Julie Richter, Administrative Assistant, Justin Williams, Department of Health Legal Counsel, Megan Borchert, Department of Health Board Attorney, Morgan Brekke, Board Council

Others in attendance who wish to be recognized:

Laura B Embleton, National Government Relations Director, Associated Bodywork & Massage Professionals, Rhanda Heller, Rebecca Herrmann, Bridget Myers

Call to Order

The meeting of the South Dakota Board of Massage Therapy (“Board”) was called to order at approximately 9:03 AM CDT and the presence of a quorum was confirmed. Board President Ellwein facilitated the meeting

Roll Call

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

Approval of Agenda

The Board reviewed the agenda. Pankratz made a motion to approve the agenda. Second by Trace. Discussion followed. A substitute motion was made by Helm to hold open forum at the beginning of the Board meeting for two meetings and then to reassess for a permanent placement in the agenda at the third Board Meeting. Voting yes, Ellwein, Helm, Pankratz, and Trace. **MOTION PASSED.**

Open Forum

Ellwein called for public comments. A limit of five minutes per person was set.

Rhanda Heller	addressed the board
Laura B Embleton	addressed the board
National Government Relations Director of the Associated Bodywork and Massage Professionals	
Rebecca Herrmann	addressed the board

OLD BUSINESS

Signing of minutes approved during November 18, 2020 board meeting

Signing of minutes approved during November 18, 2020 board meeting was presented by Julie Richter. Discussion of consistency of minutes followed.

Lack of understanding of the role of some of the board members was discussed. Justin Williams will be asked to present the roles of the board members in the future.

Approval of Minutes

Pankratz made a motion to approve the board minutes of November 18, 2020, second by Trace. Voting yes, Ellwein, Helm, Pankratz, and Trace. **MOTION PASSED.**

2021 legislative update

Richter discussed HB1016, which was to merge the Board of Massage with two other agencies. The bill died in committee. Discussion followed.

New school pathway

Richter discussed the lack of pathway for new schools. Currently new schools are directed to the section in the rule (ARSD 20:76:08:02) where if they are accredited by an accrediting body recognized by the US Department of Education, their students can be licensed in the state of South Dakota.

NEW BUSINESS

Secretary Report

The March 2021 financial reports were presented. Richter discussed the board needs to create a pathway for licensees that have been grandfathered in other states when schools have been closed. Next year consider raising fees due to budget constraints. Number of complaints are up.

Julie Richter explained the time and difficulty it takes to process an application. The Board's office does not speak to anyone other than applicant regarding applications.

Board Member Opening

Richter stated there were a number of applications received and he spoke to a number of the applicants on the phone. A number of application were forwarded to the Department of Health to review and then sent to the Governor. By the next meeting he would expect a new Board member to have been selected.

Executive Session

Upon a motion by Pankratz and second by 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 10:39AM. Voting yes, Ellwein, Helm, Pankratz, and Trace. **MOTION**

PASSED. All other participants excused the meeting at that time by being put into the waiting room on Zoom.

At 11:19 AM Trace made a motion to go out of executive session, second by Pankratz. Roll call vote was taken. Voting yes, Ellwein, Pankratz, and Trace. **MOTION PASSED**

Richter announced that Fallon Helm involuntarily recused herself from executive session.

Pankratz made the motion, due to conflict of interest concerns, the Board members are recusing themselves from participation in review of complaint 2021-001. The Board grants President Ellwein authority to hire a third-party, non-Board member to investigate the complaint, and the Board is referring the complaint and delegating full authority for resolution of the complaint to the Office of Hearing Examiners or a contracted administrative law judge. The Board authorized the President or Executive Secretary to coordinate with the third party as necessary to facilitate this referral. Second by Trace. Voting yes, Ellwein, Pankratz, and Trace. **MOTION PASSED**

Upon a motion by Pankratz and second by Helm 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 11:21 AM. **MOTION PASSED.** All other participants excused the meeting at that time by being put into the waiting room on Zoom.

At 11:56 AM Pankratz made a motion to go out of executive session, second by Helm. Roll call vote was taken. Voting yes, Ellwein, Helm, Pankratz, and Trace. **MOTION PASSED**

Pankratz made a motion to renew the Albertson contract not to exceed \$10,000 and second by Trace. Roll call vote was taken. Voting yes, Ellwein, Helm, Pankratz, and Trace. **MOTION PASSED.**

Megan Borchert, Department of Health Board Attorney, stated as of July 1, 2021, HB 1127 will take affect regarding voice votes.

Adjournment

Trace made a motion to adjourn the meeting at approximately 12:03 PM CDT. Second by Pankratz. Voting yes, Ellwein, Helm, Pankratz, and Trace. **MOTION PASSED**

Respectfully submitted,

Fallon Helm, Secretary