

South Dakota State Board of Massage Therapy

Wednesday November 18th, 2020

Digital Zoom Meeting

9:00 Central Time

<https://us02web.zoom.us/j/87468838626?pwd=YVJ5UGpCZ2dGS3U0ZEZuSFdQa1hkQT09>

Department of Labor 2330 N. Maple Ave. Rapid City SD

Business Services Room

Proposed Agenda

Updated 11/16/20

1. Call to order
2. Approval of Agenda
3. Approval of Minutes of June 22nd, 2020, August 17th, 2020, August 27th, 2020
4. Financials
5. Board Member Opening
6. Board Elections
7. Meeting Attendees
8. Continuing Education for Zoom Meetings
9. 2020 Legislation/Rules
10. Proactive Licensure Inspection
11. Unlicensed Massage and 2020-004-Update
12. Executive Session SDCL1-25-2 (3)
13. Application for Temporary License Review T10583
14. Application for License T10148
15. Secretary Report
16. Executive Session SDCL 1-25-2(3), complaint 2020—002, 2020-003
17. Open Forum
18. Adjournment

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 19th and June 22nd , second by Helm. Vote **PASSED UNANIMOUSLY.**

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

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 UNANIMOUSLY**

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

Roll call **PASSED UNANIMOUSLY.**

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 1st.

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.

Survey would be sent for the next meeting sometime the week of October 19th.

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.

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 17th 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

Remaining Authority by Object/Subobject

Expenditures current through 10/31/2020 12:20:26 PM

HEALTH -- Summary

FY 2021 Version -- AS -- Budgeted and Informational

FY Remaining: 66.6%

09211 Board of Massage Therapy - Info						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
EMPLOYEE SALARIES						
5101030 Board & Comm Mbrs Fees	1,501	1,020	0	0	481	32.0
Subtotal	1,501	1,020	0	0	481	32.0
EMPLOYEE BENEFITS						
5102010 Oasi-employer's Share	174	78	0	0	96	55.2
Subtotal	174	78	0	0	96	55.2
51 Personal Services						
Subtotal	1,675	1,098	0	0	577	34.4
TRAVEL						
5203030 Auto-priv (in-st.) H/rte	1,200	0	0	0	1,200	100.0
5203100 Lodging/in-state	400	0	0	0	400	100.0
5203140 Meals/taxable/in-state	150	0	0	0	150	100.0
Subtotal	1,750	0	0	0	1,750	100.0
CONTRACTUAL SERVICES						
5204020 Dues & Membership Fees	854	0	0	0	854	100.0
5204050 Computer Consultant	10,400	8,138	943	0	1,319	12.7
5204080 Legal Consultant	12,727	4,569	0	0	8,158	64.1
5204090 Management Consultant	53,500	16,303	38,263	0	-1,066	0.0
5204200 Central Services	0	245	0	0	-245	0.0
5204204 Central Services	0	208	0	0	-208	0.0
5204207 Central Services	0	363	0	0	-363	0.0
5204360 Advertising-newspaper	1,040	0	0	0	1,040	100.0
5204590 Ins Premiums & Surety Bds	525	0	0	0	525	100.0
5204960 Other Contractual Service	1,200	826	0	0	374	31.2
Subtotal	80,246	30,652	39,206	0	10,388	12.9
SUPPLIES & MATERIALS						
5205020 Office Supplies	0	1,159	0	0	-1,159	0.0
Subtotal	0	1,159	0	0	-1,159	0.0
52 Operating						
Subtotal	81,996	31,811	39,206	0	10,979	13.4

Total	83,671	32,909	39,206	0	11,556	13.8
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STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 10/31/2020

AGENCY 09 HEALTH
 BUDGET UNIT 09211 BOARD OF MESSAGE THERAPY - INFO

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
COMPANY NO 6503					
COMPANY NAME PROFESSIONAL & LICENSING BOARDS					
092110061840	6503	4293101	RENEWAL FEES	10,725.00	49,840.00
092110061840	6503	4293102	INACTIVE FEES	375.00	925.00
092110061840	6503	4293103	TEMPORARY FEES	50.00	575.00
092110061840	6503	4293104	REACTIVATION FEE	.00	130.00
092110061840	6503	4293106	APPLICATION FEES	600.00	3,365.00
092110061840	6503	4293990	LICENSING FEES	390.00	1,725.00
ACCT: 4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	12,140.00	56,560.00 *
ACCT: 42			LICENSES, PERMITS & FEES	12,140.00	56,560.00 **
092110061840	6503	4920045	NONOPERATING REVENUES	.00	1,066.43
ACCT: 4920			NONOPERATING REVENUE	.00	1,066.43 *
ACCT: 49			OTHER REVENUE	.00	1,066.43 **
CNTR: 092110061840				12,140.00	57,626.43 ***
CNTR: 092110061				12,140.00	57,626.43 ***
CNTR: 0921100				12,140.00	57,626.43 *****
COMP: 6503				12,140.00	57,626.43 *****
B UNIT: 09211				12,140.00	57,626.43 *****

AGENCY: 09 HEALTH
BUDGET UNIT: 09211 BOARD OF MESSAGE THERAPY - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092100061840	1140000	48,957.42	DR	BOARD OF MESSAGE THERAPY
COMPANY/SOURCE TOTAL 6503 618			48,957.42	DR *	
COMP/BUDG UNIT TOTAL 6503 09211			48,957.42	DR **	
BUDGET UNIT TOTAL 09211			48,957.42	DR ***	

<https://doh.sd.gov/boards/massage/education.aspx>

EDUCATION AND TRAINING

To be licensed as a massage therapist, an applicant must have at least 500 hours of specific education and training from a board recognized facility or instructor.

The 500 hours of education and training must include: ([ARSD 20:76:01:06](#))

- One hundred twenty-five hours of training in the body's system and anatomy, physiology, and kinesiology;
- Two hundred hours of training in massage and bodywork assessment, theory, and application;
- Forty hours of training in pathology;
- Ten hours of training in business and ethics, with a minimum of six hours in ethics; and
- One hundred twenty-five hours of additional training in an area or related field that theoretically completes a massage program of study.

The board currently recognizes certain **South Dakota** facilities as approved providers of the required education and training. These ~~current~~ facilities include: ([ARSD 20:76:08:01](#))

- Black Hills Health and Education Center;
- Headlines Academy;
- ~~National American University;~~
- ~~Pam's Massage School;~~
- SD School of Massage Therapy;
- Sioux Falls Therapeutic Massage & Education Center; and
- Springs Bath House School of Massage.

List updated 10/08/2020

The board will continue to accept education and training from a facility that is no longer operational if it was recognized by the board while in operation.

- National American University;
- Pam's Massage School;

List updated 10/08/2020

A South Dakota facility which is accredited by an accrediting body recognized by the United States Department of Education or endorsed by a nationally recognized agency may apply to the board to be recognized. ([ARSD 20:76:08:02](#))

Additionally, the Board may recognize training from additional facilities if such a facility is either licensed or approved by a state board of massage therapy in the state where the facility is located or is accredited by an accrediting body recognized by the U.S. Department of Education. ([ARSD 20:76:08:02](#))

Examinations

A passing score on a national exam is required for licensing. The board approved national examinations for purposes of licensure are:

- [NCETM \(National Certification Exam for Therapeutic Massage \\$225\)](#)
- [NCETMB \(National Certification Exam for Therapeutic Massage & Bodywork \\$225\)](#)
- [NBCA Massage Therapy Certification Exam \(AMMA \\$275\)](#)
- [MBLEx \(Federation of State Massage Therapy Boards \\$195, effective 10-01-2020 \\$265\)](#)

Examinations are computer-based. Candidates need to register directly with the national exam provider and request that results be provided to the Board of Massage Therapy.

20:76:08:01. Recognized facilities. The board may license an applicant who has completed the training required by § 20:76:01:06 from a recognized facility. ~~the following South Dakota facilities:~~ The board will maintain a current list of recognized South Dakota facilities and shall provide it upon request.

- ~~— (1) Black Hills Health & Education Center;~~
- ~~— (2) Headlines Academy;~~
- ~~— (3) National American University;~~
- ~~— (4) Pam's Massage School;~~
- ~~— (5) South Dakota School of Massage Therapy;~~
- ~~— (6) Sioux Falls Therapeutic Massage & Education Center; and~~
- ~~— (7) Springs Bath House School of Massage Therapy.~~

Source: 38 SDR 177, effective April 26, 2012; SL 2013, ch 184, § 18, effective July 1, 2013; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-35-12, 36-35-24(2).

Law Implemented: SDCL 36-35-12(3), 36-35-24(2).

20:76:08:02. Facilities that may be recognized by the board. A South Dakota facility which is accredited by an accrediting body recognized by the United States Department of Education or endorsed by a nationally recognized agency may apply to the board to be recognized. The board may accept an applicant's training required by § 20:76:01:06 from a facility not recognized pursuant to § 20:76:08:01 if the facility provides official evidence it meets at least one of the following criteria:

(1) The facility is licensed or approved by the state board of massage therapy where that training facility is located; or

(2) The facility is accredited by an accrediting body recognized by the United States Department of Education.

The training that allows an applicant to take a national examination does not require the board to recognize the facility.

Source: 38 SDR 177, effective April 26, 2012; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL 36-35-12, 36-35-24.

Law Implemented: SDCL 36-35-12(3), 36-35-24(2).