

Meeting Minutes

South Dakota State Board of Massage Therapy

Wednesday November 18th, 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,

Fallon Helm, Secretary