

SOUTH DAKOTA BOARD OF MASSAGE THERAPY HEARING MINUTES

Wednesday, November 19, 2025

Via Microsoft Teams

1. Call to Order

President Fallon Helm called the meeting to order at 9:02 am CDT. Members of the public could join the meeting via Microsoft Teams or tele-conferencing.

2. Roll Call & Introduction of New Board Member

Ashley Kesterson was introduced as a new massage therapist member of the board. Megan Borchert was introduced as the board's new legal counsel, replacing Steve Blair who accepted a different position. Alvin Trace resigned from the board effective November 12, 2025. The Governor has not yet named a replacement.

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

Members Present:

Fallon Helm – via Teams Meeting
Ashley Kesterson – via Teams Meeting
Mariah Pokorny, via Teams Meeting
Thor Thonvold – via Teams Meeting

Others Present:

Kate Boyd, Executive Secretary – via Teams Meeting
Megan Borchert, Staff Legal Counsel – via Teams Meeting
Kaitlin Sherer, SD Department of Health – via Teams Meeting

Guests Present:

Bridget Myers, Rhanda Heller, Elise Blaine, Cynthia Riley, Liliya Dailey, Christine Hooper, Cynthia Riley, Jada Thompson, Olawa Rae-Bruhjell, Paul Thronson, Tonia McGeorge, Bob Mercer—
KELO News

3. Approval of Agenda

Mariah Pokorny made a motion, seconded by Thor Thonvold, to approve the agenda. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny yea; Thonvold yea)

4. Open Forum

Rhanda Heller spoke during open form and stated that she hopes to learn more about the budget and the status of the proposed legislative bill.

5. Approval of Draft Meeting Minutes (August 6, 2025)

Mariah Pokorny made a motion, seconded by Thor Thonvold, to approve the May 21, 2025 meeting minutes. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny yea; Thonvold yea)

6. Executive Secretary Report

Executive Secretary Kate Boyd reported the following:

a. Financial Report for the Month Ending October 31, 2025 – The available funds for the remainder of the fiscal year are \$47,726.13, and the cash center balance is \$33,991.03.

b. 2025 License Renewal Report – License Renewals for 2025 are:

Active licenses - 950 – this number increases throughout the year as new licensees become licensed but decreases when a number of licensees choose to not renew their license.

Licenses not renewed in 2025 and now are expired – 45

Licensees applied for inactive status -- 20

c. 2026 Massage Therapy Legislative Bill – Executive Secretary Boyd stated that the draft legislation approved by the board on August 6, 2025 has been forwarded to the Department of Health and is currently under review.

d. School License Sale/Transfer – Patricia Fields from Gary, South Dakota contacted Executive Secretary Boyd last week to report that the sale of Pam's Massage School to her is in progress.

e. Continuing Education – Executive Secretary Boyd stated that she would like to put an item on the agenda to review continuing education requirements for new licensees who completed continuing education for another state prior to applying for a South Dakota license and for South Dakota licensees who complete continuing education to reactivate their license.

7. Proposed Amendment to Board Policy Regarding Reporting of Unlicensed Practitioners

This was a follow-up from the August 6, 2025 board meeting. The board is being asked to consider whether to amend the current policy, adopted in 2015 of contacting a State's attorney's office to report unlicensed practitioners. President Fallon Helm emphasized that the Board does not have any authority or jurisdiction over unlicensed individuals. It becomes a criminal matter. Executive Secretary Boyd stated that she attended a meeting the previous day with other executive directors of Department of Health licensing boards. Unlicensed activity is a problem for most licensing boards in South Dakota and across the nation. She learned that most boards find it more beneficial to report unlicensed activity to local law enforcement.

Thor Thonvold made a motion, seconded by Mariah Pokorny to discontinue referring of unlicensed activity to the state's attorney and instead refer to local law enforcement. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny yea; Thonvold yea)

The new policy reads as follows (~~Strike thru~~ eliminates language and underscore adds new language):

The Board authorizes the Executive Secretary to refer complaints alleging unlicensed practice to ~~the state's attorney~~ local law enforcement at the time the complaint is filed with the Board and

dismiss the complaint due to lack of jurisdiction. (*Board Action ~~March 16, 2015~~ November 19, 2025*)

8. Report of the FSMTB Annual Meeting

President Fallon Helm and Executive Secretary Kate Boyd reported on their attendance at the October annual meeting of the Federation of State Massage Therapy Boards (FSMTB). This was the 20th anniversary of FSMTB and the federation paid for two attendees from each state. In other years they pay for one representative from each member state. Executive Secretary Boyd stated that she found the discussions of unlicensed activity to be beneficial, as well as the networking between colleagues from other states. She noted that the State of Maryland passed a new law that affects all their licensing boards to make any unlicensed activity a felony. This seems to be getting more attention from the State's attorneys to prosecute these criminal cases. South Dakota would likely need much more documentation over a period of years from all licensing boards before this would even be considered for legislation.

President Fallon Helm agreed with the things that Ms Boyd brought up. She also mentioned a presentation on human trafficking and the likelihood that an individual who touches a client inappropriately will reoffend. Also, a client who is seeking sexual favors will often move to a new massage therapist if a therapist refuses to accommodate them. Ms. Helm stated that it is beneficial to have continuity of who attends the annual meeting. FSMTB pays for one representative's attendance who is the voting member for the member state. Others from each state are invited to attend, but attendance must be paid by the state or the individual. Given the state of our board's budget, it will likely mean self-pay to attend.

9. Proposed 2026 Board Meeting Dates

The Board agreed on the following meeting dates for 2026:

February 4, 2026
April 29, 2026
July 29, 2026
October 28, 2026

All meetings are scheduled for 9:00 – 11:00 central time on a Wednesday. In most years, it becomes necessary to schedule one or two additional meetings.

10. Annual Election of Officers

Thor Thonvold made a motion, seconded by Mariah Pokorny to elect Fallon Helm as President. **MOTION PASSED.** Roll Call Vote (Helm abstain; Kesterson yea; Pokorny yea; Thonvold yea)

Fallon Helm made a motion, seconded by Mariah Pokorny, to elect Thor Thonvold as Vice President. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny yea; Thonvold abstain)

Fallon Helm made a motion, seconded by Thor Thonvold, to elect Mariah Pokorny as Secretary. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny abstain; Thonvold yea)

11. Executive Session

Thor Thonvold made a motion, seconded by Ashley Kesterson, to go into executive session, pursuant to SDCL 1-25-2(3) and 1-27-1.5(5)) to discuss Applications T11043, T11045, T11048, and T110AB. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny yea; Thonvold yea)

Executive Session began at 9:50 am.

The Board returned to the open meeting at 10:40 am.

Application T11043 – Thor Thonvold made a motion, seconded by Ashley Kesterson, to approve application T11043. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny yea; Thonvold yea)

Application T11045 – Mariah Pokorny made a motion, seconded by Thor Thonvold, to approved application T11045. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny yea; Thonvold yea)

Application T11048 – Ashley Kesterson made a motion, seconded by Mariah Pokorny, to approve application T11048. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny yea; Thonvold yea)

Application T110AB – Thor Thonvold made a motion, seconded by Ashley Kesterson, to approve application T11043. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny yea; Thonvold yea)

12. Next Meeting

The next regularly scheduled meeting is February 4, 2026. Carry-over agenda items include: Continuing Education, Consideration of adding additional legal questions on applications, and executive session to receive input from legal counsel on applicant education.

13. Adjourn

Thor Thonvold made a motion, seconded by Mariah Pokorny to adjourn. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Pokorny yea; Thonvold yea)

The meeting was adjourned at 10:45 am.

Respectfully submitted,

Executive Secretary Kate Boyd and Secretary Thor Thonvold