

SOUTH DAKOTA BOARD OF MASSAGE THERAPY HEARING MINUTES

Wednesday, April 23, 2025

Via Microsoft Teams

1. Call to Order

President Fallon Helm called the meeting to order at 10:00 am CDT. Members of the public could join the meeting via Microsoft Teams or tele-conferencing.

2. Roll Call

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

Members Present:

Fallon Helm – via Teams Meeting
Kallyn Reinert – via Teams Meeting
Thor Thonvold – via Teams Meeting
Al Trace -- via Teams Meeting

Others Present:

Kate Boyd, Executive Secretary – via Teams Meeting
Steve Blair Staff Legal Counsel – via Teams Meeting
Tamara Lee, DOH Attorney – via Teams Meeting
Kaitlin Sherer, SD Department of Health

Guests Present:

Mai Lin Petrine, Kevin Sneed, Bob Mercer, KELOLAND TV
Tara Bartekoske, Traiton Peck, Seth Dinkel, Shayla Nyberg-
Sutton, Sierra Tschetter, Ally Allen, Andrew Leitheiser, Courtne
Weinheimer, Daniel Faber, David McGaugh, Janerra Wipt,
Julianna Nielson-Dick, Madison Smith, Shana Bakker, Tana
Rosenau, Tayla Nagel, Tatyana Woodall, Bridget Myers, Kendra
Ringstmeyer, Rhanda Heller, Carmela Olson, Olawa Rae-Bruhjell

3. Approval of Agenda

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

Open Forum

President Helm stated the open forum was open, but no members of the public asked to speak.

4. Open Forum

Bridget Myers commented on the Executive Secretary report noting we need to deal with applicants whose schools have closed since they completed their education and offered to be part of a committee to come up with solutions for the board's consideration. She also supported agenda item 9, seeking board approval to allow the Investigations Committee comprised of a board member, executive secretary, and board attorney to dismiss cases when there is no probable cause or jurisdiction.

Rhanda Heller stated that she is in favor of bi-annual license renewal.

Thor Thonvold stated that the board needs to pursue fee increases, as expenses have increased over the years, with the most recent license fee being approved by the legislature in 2007. He noted that the legislature last year increased the per diem rate for board and commission members from \$60 per day to \$166 per day.

5. Approval of Draft Meeting Minutes (January 22, 2025, March 18, 2025, April 8, 2025)

Kallyn Reinert noted that her name was spelled incorrectly in the last paragraph of the April 8, 2025 meeting minutes. Kallyn Reinert made a motion, seconded by Thor Thonvold, to correct the misspelling in the April 8, 2025 minutes and approve the January 22, March 18, and April 8, 2025 meeting minutes. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace yea)

6. Executive Secretary Report

Executive Secretary Kate Boyd reported the following:

a. Financial Report for the Month Ending March 31, 2025 – The available funds for the remainder of the fiscal year are \$26,570.55, and the cash center balance is \$13,567.80. She stated that we will not spend the remainder of the available funds, and that the cash center balance is decreasing. The board needs to pursue fee increases.

b. On-line Applications – Due to the lack of funds for the necessary computer programming, the board is not in the position to pursue on-line applications.

c. FSMTB Executive Summit – Due to a health situation, she was, unfortunately, not able to attend the FSMTB Executive Summit held in early April in Arizona.

d. Verification of Education when an Applicant's School has Closed – Closed massage therapy schools create an issue for applicants seeking licensure because the applicant cannot access the required Verification of Education and official transcript. She suggested the board try to find a solution.

e. Acceptance of emailed Verification of Education and Transcripts from Schools – The board was asked to authorize acceptance of the Verification of Education Form and official transcripts from schools. Thor Thonvold made a motion, seconded by Kallyn Reinert, to authorize the Executive Secretary to accept emailed Verification of Education forms and official transcripts from schools. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace yea)

7. Federal Apprenticeships Presentation

Tara Bartekoske, Traiton Peck, and Seth Dinkel from the South Dakota Department of Labor & Regulation made a presentation on federal apprenticeships. The apprenticeship program requires 2000 hours of education. There is some funding for apprenticeships to help develop programs, and financial support for businesses in the form of partial wage reimbursement. They also mentioned some of the drawbacks, including requiring two people in a room at all times, the apprentice and mentor. Massage Therapy schools may feel threatened and it requires

involvement from both the South Dakota Department of Labor & Regulation and Department of Health.

8. Records Retention Manual – Executive Secretary Kate Boyd referred the board to proposed updates to the Records Retention Manual. In some cases, the current manual requires maintaining records for fifty years. The board meeting packet contained a copy of the current language with proposed changes. Upon approval by the Board, the updated language will be forward to the Office of Records Management for final approval by the Records Destruction Board.

Al Trace made a motion, seconded by Thor Thonvold, to approve the proposed changes to the Records Retention Manual. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace yea)

9. Complaint Process

The Board was asked to adopt a policy to allow the Investigative Committee, comprised of the appointed board member, Executive Secretary, and board attorney to dismiss complaints when there is no probable cause or when the board does not have jurisdiction.

Thor Thonvold made a motion, seconded by Kallyn Reinert, to amend the current policy on complaints to include the following language: “The investigative committee is authorized to dismiss a complaint for lack of jurisdiction or probable cause pursuant to SDCL 36-1C-4. Any dismissal of a complaint by the investigative committee must be reported to the Board at its next scheduled meeting or within 30 days, whichever is shorter.” **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace yea)

10. Policy for Conversion of Credit Hours to Clock Hours for Massage Therapy Education

The Board reviewed a draft policy regarding the conversion of credit hours to clock hours. The FSMTB had recently clarified that acceptable standards are that one credit hour is considered to equal twenty-nine clock hours.

It was Al Trace made a motion, seconded by Kallyn Reinert, to adopt a new policy to add a new section as follows: “Education – For the purpose of calculating training or study hours to determine compliance with established application requirements, one (1) credit hour is considered to equal twenty-nine (29) clock hours.” **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace yea)

11. Report of Round-Table Discussions Regarding Possible Legislation for 2026

President Fallon Helm reported on the activities of the round-table meeting that have been held bi-weekly since December. She reviewed the thirteen issues that the round-table members have identified, with those issues being placed in categories that include Schools and Education, Establishments and Businesses, Process and Operations, and General. Among the high priorities are: (1) Approving and licensing schools; Licensing instructors; Establishing Business licenses; Fee Increases; and Streamlining the complaint process. The Board will need to provide guidance to the staff for the issues that they would like to have drafted for 2026

legislation. The next regularly scheduled meeting is July 23, 2025. The Board will need to provide that direction prior to July, because at the July 23, 2025 meeting they will need to give final approval of the draft legislation to be sent to the Department of Health for their review. The Board agreed to meet on Wednesday, May 21, 2025 at 9:00 am for purposes of discussing legislation.

12. Executive Session –Disciplinary Action Cases 2024-003-004-005-006

Thor Thonvold made a motion, seconded by Kallyn Reinert to go into executive session to discuss disciplinary action cases 2024-003-004-005-006. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace yea)

Executive Session began at 10:10 am and ended at 10:41 am.

Kallyn Reinert made a motion, seconded by Al Trace, that if a stipulation to resolve cases 2024-003-004-005-006 is signed by 5:00 pm, Thursday, April 24, 2025, with the changes discussed in executive session, the Board authorizes President Fallon Helm to sign the stipulation on behalf of the Board. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Trace yea; Thonvold abstain)

13. Next Meeting

The Board scheduled a meeting for May 21, 2025 at 9:00 am via Teams to review legislation options.

The next regularly scheduled meeting will be held on Wednesday, July 23, 2025 at 9:00 am.

14. Adjourn

Thor Thonvold made a motion, seconded by Kallyn Reinert to adjourn. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace yea)

The hearing was adjourned at 2:31 pm.

Respectfully submitted,

Executive Secretary Kate Boyd and Secretary Thor Thonvold