

# **MEETING AGENDA**

## **SOUTH DAKOTA BOARD OF MASSAGE THERAPY**

Wednesday, April 23, 2025

9:00 am CDT

The meeting will be held via Microsoft Teams

Click here to join the meeting:

[Join Teams Meeting](#)

Or Call: 1-605-679-7263, ID 278 006 025#

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Open Forum
5. Approval of the Draft Minutes (January 22, 2025, March 18, 2025, April 8, 2025)
6. Executive Secretary Report
  - a. Financial Report for the Month Ending March 31, 2025
  - b. On-line Applications
  - c. FSMTB Executive Summit
  - d. Verification of Education when an Applicant's School has Closed
  - e. Acceptance of emailed Verification of Education and Transcripts from Schools
7. Federal Apprenticeships – Presentation
8. Records Retention Manual – Review and Update Manual
9. Complaint Process – Approve Investigative Committee Dismissal of Complaints with no Probable Cause
10. Policy for Conversion of Credit Hours to Clock Hours for Massage Therapy Education
11. Report of Round-Table Discussions Regarding Possible Legislation for 2026 – Fallon Helm & Kallyn Reinert
12. Executive Session – Disciplinary Action Cases 2024-003-004-005-006  
(Executive Session SDCL 1-25-2(3) and 1-27-1.5(5))
13. Next Meeting – July 23, 2025 -- Proposed Agenda Items
14. Adjourn

**SOUTH DAKOTA BOARD OF MASSAGE THERAPY MEETING MINUTES**  
Wednesday, January 22, 2025  
Via Microsoft Teams

**1. Call to Order**

President Fallon Helm called the meeting to order at 9:00 am CST. 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

**Members Absent:**

Al Trace

**Others Present:**

Kate Boyd, Executive Secretary – via Teams Meeting  
Steve Blair Staff Legal Counsel – via Teams Meeting  
Tamara Lee, DOH Attorney – via Teams Meeting

**Guests Present:**

Bridget Myers, Rhanda Heller, Dazee Gertz, Kammie Thompson,  
Nikki Hooper, Heather Thrash, Seth Dinkel, Olawa Rae-Bruhjell,  
Shayla Nyberg-Sutton,

**3. Approval of Agenda**

Executive Secretary Kate Boyd stated she would like to add an item to her Executive Secretary Report to include federal apprenticeships. Kallyn Reinert made a motion, seconded by Thor Thonvold, to approve the agenda as amended. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace absent and not voting)

**4. Open Forum**

Rhanda Heller asked several questions about the complaint process that Board legal counsel Steve Blair would be reviewing under agenda item 7. She also asked that others be invited to the round-table sessions that are currently being held with licensees and other interested parties. A report of the round-table discussions for possible legislation in 2026 was agenda item 8 on the agenda for a status report from President Fallon Helm and Board member Kallyn Reinert.

**5. Approval of December 5, 2024 Meeting Minutes**

Thor Thonvold made a motion, seconded by Kallyn Reinert, to approve the minutes of the December 5, 2024 meeting. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace absent and not voting)



## **6. Executive Secretary Report**

**Financial Report for the month ending December 31, 2024** - Executive Secretary Kate Boyd reported that the financial report for the month ending December 31, 2024, showed the available budget of \$43,339.18 and cash center balance of \$38,811.66 (reserve funds).

### **Office Procedures & Policies**

Ms. Boyd stated that she recently had a conversation with the manager of the State's Records Management. There are several things that should be updated, including the reference to microfilm old records, that should be changed to scanning and digitally saving. She would also like to have the board move toward online applications and fee payments, in an effort to eliminate duplication of records. Every application, after it is completed, is scanned and uploaded to the database. We could eliminate the paper files and save time by not having to scan documents that are received digitally. We would need an update in our Records Retention manual in order to do this. She also asked for Board input on whether or not it is acceptable to use the official documents that we possess when an individual applies for a license after having let their previous license expire. These would be the exam pass/fail score received from the organization who owns the exam, and Verification of Education documents that were previously properly received from the school the applicant attended. In many cases, the school attended is no longer operational, so it is impossible for the applicant to request another Verification of Education form from a school that doesn't exist. The consensus of the Board that it is acceptable to use national exam reports and Verification of Education forms, including the official school transcript that the Board already has in its possession, as long as the documents were properly submitted when the applicant previously became licensed. The manager of Records Management provided a Word document of the Board's current Records Retention Manual to use as a working copy. Ms. Boyd indicated she will draft updates and then present to the Board at the next meeting for their information, review, updates, and approval to be submitted for review by the State's Records Retention group that meets twice a year to review and approve changes. Their next meeting will likely be in July. Legal counsel Steve Blair also noted that there is a broader Records Retention Manual that applies to most state agencies so it should be reviewed at the same time to ensure that our manual is also in compliance with that.

### **Request for Board Approval of a Policy for Investigative committee to dismiss a compliance, in compliance with SDCL 36-1C-4.**

A copy of SDCL 36-1C-4 was provided in the meeting packet. Ms. Boyd asked if the Board would like to implement a policy to allow for dismissal of a complaint for lack of probable cause. Legal counsel Steve Blair suggested this be put on the agenda for the next meeting for the Board's consideration. He added that there may already be something similar that was approved a few years ago by the Board.

### **Federal Apprenticeships**

Ms Boyd reported that she recently met with two South Dakota Department of Labor individuals who had contacted her about federal apprenticeships. She suggested that they be invited to the April 23, 2025 meeting to make a presentation on what this would entail. If the Board chooses to pursue this, we will need to review to see if we need a change in our laws.

## **7. Review of Complaint Process**



Legal counsel Steve Blair gave a detailed overview of the complaint process. SDCL 1-26, 36-35, and 36-1C require boards and commissions to follow these specific laws. Additional Board of Massage Therapy laws SDCL 36-35-13 Unprofessional Conduct and 36-35-22 Grounds for cancellation, suspension, or revocation of license - Hearing - Appeal also help dictate the process. In response to questions raised during the Open Forum, Attorney Blair clarified that, yes, the Board does receive a copy of complaints, although not until they are considering a complaint. The reason for this is the Board needs to be impartial until the case comes before them. Also, if a licensee has an active pending complaint, license comes up for renewal, and the licensee attempts to renew in a timely manner during the renewal period, the license is not renewed until the complaint case is completed. However, state law allows a licensee to continue to work under their previous license until the complaint case has been settled.

#### **8. Report of Round-Table Discussions Regarding Possible 2026 Legislation**

President Fallon Helm and Board member Kallyn Reinert gave a report of the status of the round-table meetings that are being conducted to review areas that the Board may want to pursue legislation in 2026. Round-table meeting reports will be provided at the next meeting. The discussion topics the group is reviewing are shown below.

#### **Discussion Topics 2026 for Legislation:**

1. **Brick & Mortar Licenses:**
  - Review of current requirements and potential updates for brick-and-mortar businesses.
2. **Changing Licensing to Every Other Year:**
  - Pros and cons of transitioning from annual to biennial licensing for professionals in the industry.
3. **Business Permits:**
  - Discussion on streamlining the process for obtaining and renewing business permits.
4. **Instructor Credentials:**
  - Requirements for instructor qualifications and potential changes to the credentialing process.
5. **Title Protection:**
  - Considerations for protecting professional titles in the industry to prevent misuse and ensure consumer trust.
6. **Guides on "Yes" Conviction Checklist:**
  - Review of existing conviction-related criteria for licensing eligibility, and possible improvements for clarity and fairness.
7. **Labor/Health Board Consideration of Governance:**
  - Discussion on whether and how labor and health boards should be involved in governance and oversight of industry-related matters.
8. **Increase in Access to Education and Marketplace:**
  - Strategies for increasing access to educational opportunities and expanding marketplace accessibility.
9. **School's In Rules:**
  - Review of rules governing educational institutions and schools in the industry, including licensing requirements and operational standards.
10. **Application of Education Facilities Process:**



- Discussion on how to streamline the process for approving and regulating educational facilities.
- 11. **Program Structure & Distance Learning Consideration in Rules/Regs:**
  - Deliberating on the role of distance learning within industry programs, and potential updates to rules and regulations governing this area.
- 12. **Complaint Process:**
  - Review and potential improvements to the complaint process, including leveraging the Pennsylvania rulemaking process and ensuring due process for those with felony convictions.
- 13. **Include Healthcare Professional Licensure in All Language:**
  - Discussion on broadening the scope of professional licensure language to include healthcare professionals where applicable.

## 9. Executive Session

Thor Thonvold made a motion, seconded by Kallyn Reinert, to go into Executive Session. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace absent and not voting)

Executive Session began at 10:02 am and the board fell out of executive session at 10:35 am.

### **Review Application T10978 (SDCL 1-25-2(3) & 1-27-1.5(5))**

Kallyn Reinert made a motion, seconded by Thonvold, to approve Application T10978. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace absent and not voting)

### **Dismissal of Complaint 2025-001**

Kallyn Reinert made a motion, seconded by Thonvold, to dismiss Complaint 2025-001. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace absent and not voting)

### **Communication with Legal Counsel (SDCL 1-25-2(3))**

Kallyn Reinert made a motion, seconded by Thonvold, to add criminal convictions on the next meeting agenda. At that time the Board will be asked to adopt a motion regarding the procedures to follow regarding applicants with criminal convictions. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace absent and not voting)

## 10. Upcoming Meetings

### **Applicant Requested a Hearing – Set Hearing Date**

The Board and staff reviewed their calendars and agreed to schedule this hearing on April 8, 2025 at 1:00 pm. The hearing will be held via Teams and will be open to the public.

### **Next Regularly Scheduled Meeting – April 23, 2025**

The following items were requested by the Board to be on the agenda for the April 23, 2025 meeting:

Federal Apprenticeships  
Felony Convictions

- On-line Applications
- Records Retention Manual
- Complaint Process – Consider Approving Investigative Committee dismissal of complaints with no probable cause
- Policy for Acceptance of Credit to Clock Hour conversation for massage therapy education
- Round-table Meeting Report

## **11. Adjourn**

Thor Thonvold made a motion, seconded by Kallyn Reinert to adjourn. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace absent and not voting)

The meeting was adjourned at 11:00 am

Respectfully submitted,

Executive Secretary Kate Boyd and Secretary Thor Thonvold



**SOUTH DAKOTA BOARD OF MASSAGE THERAPY MEETING MINUTES**  
Tuesday, March 18, 2025  
Via Microsoft Teams

**1. Call to Order**

President Fallon Helm called the meeting to order at 9:00 am CST. 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

**Others Present:**

Kate Boyd, Executive Secretary – via Teams Meeting  
Steve Blair Staff Legal Counsel – via Teams Meeting  
Tamara Lee, DOH Attorney – via Teams Meeting

**Guests Present:**

Bob Mercer, KELOLAND TV

**3. Approval of Agenda**

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

**4. Open Forum**

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

**5. Executive Session**

**Cases 2024-003-004-005-006**

Kallyn Reinert made a motion, seconded by Al Trace, to go into Executive Session to discuss Complaint Cases 2024-003-004-005-006. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace yea)

The Executive Session began at 9:02 am.

Executive Session ended at 9:44 am

Kallyn Reinert made a motion, seconded by Al Trace, to pursue a stipulation agreement with the licensee in Complaint Cases 2024-003-004-005-006. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Trace yea; Thonvold abstain)

## **6. Upcoming Meetings**

The Board was reminded that a hearing will be held on April 8, 2025 at 1:00 pm, via Teams and that the regular board meeting is scheduled for April 23, 2025 at 9:00 am via Teams.

## **7. 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 meeting was adjourned at 11:00 am

Respectfully submitted,

Executive Secretary Kate Boyd and Secretary Thor Thonvold



**SOUTH DAKOTA BOARD OF MASSAGE THERAPY HEARING MINUTES**  
Tuesday, April 8, 2025  
Via Microsoft Teams

**1. Call to Order**

President Fallon Helm called the meeting to order at 1:03 PM 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 -- Absent

**Others Present:**

Kate Boyd, Executive Secretary – via Teams Meeting  
Steve Blair Staff Legal Counsel – via Teams Meeting  
Tamara Lee, DOH Attorney – via Teams Meeting

**Guests Present:**

Bob Mercer, KELOLAND TV  
Rhanda Heller  
Bridget Myers

**3. Approval of Agenda**

It was noted that Open Forum had erroneously been omitted from the meeting agenda. Kallyn Reinert made a motion, seconded by Thor Thonvold, to amend the agenda to add Open Forum. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace absent)

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

**Open Forum**

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

**4. Formal Hearing – T10960 Appeal of License Denial**

A hearing was held at the request of applicant Jodi Hebl for the board to reconsider its intent to deny her massage therapy application.

Attorney Tamara Lee represented Board of Massage Therapy Staff. Jodi Hebl represented herself without the assistance of legal counsel.

Following the evidentiary and deliberation portions of the meeting, Kallyn Reinert made a motion, seconded by Thor Thonvold, to authorize President Fallon Helm to sign an order granting Jodi Hebl's massage therapy license based on her 2022 application. **MOTION PASSED.** Roll Call Vote (Helm yea; Reinert yea; Thonvold yea; Trace absent)

#### **5. Adjourn**

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

The hearing was adjourned at 2:31 pm.

Respectfully submitted,

Executive Secretary Kate Boyd and Secretary Thor Thonvold



March 2024

BA20JB60

MONTHLY

AVAILABLE FUNDS  
AS OF: 03/31/2025  
FY YEAR REMAINING: 25.2%  
PAY DAYS REMAINING: 6

PAGE 1,654

DATE 03/29/2025

BUDGET UNIT NAME BOARD OF MESSAGE THERAPY - INFO

COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	128,763.00	0.00	0.00	26,858.69	75,333.76	26,570.55	13,567.80
BUDGETED TOT	128,763.00	0.00	0.00	26,858.69	75,333.76	26,570.55	
ALL COMP TOT	128,763.00	0.00	0.00	26,858.69	75,333.76	26,570.55	

TOTAL BUDGETED:

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	EXPENDITURES MONTHLY	EXPENDITURES YEAR-TO-DATE	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	50,019.00	0.00	0.00	1,660.00	7,152.00	42,867.00	85.7
5102 EMPLOYEE BENEFITS	9,147.00	0.00	0.00	126.99	547.12	8,599.88	94.0
5203 TRAVEL	3,371.00	0.00	0.00	0.00	0.00	3,371.00	100.0
5204 CONTRACTUAL SVCS	63,226.00	0.00	26,858.69	2,948.17	66,011.45	29,644.14	0.0
5205 SUPPLIES & MATRLS	2,700.00	0.00	0.00	0.00	1,623.19	1,076.81	39.9
5207 CAPITAL OUTLAY	300.00	0.00	0.00	0.00	0.00	300.00	100.0
TOTALS	128,763.00	0.00	26,858.69	4,735.16	75,333.76	26,570.55	20.6

BREAKOUT BY COMPANY:

COMPANY 6503-I PROFESSIONAL & LICENSING BOARDS

5101000 EMPLOYEE SALARIES	50,019.00	0.00	0.00	1,660.00	7,152.00	42,867.00	85.7
5102000 EMPLOYEE BENEFITS	9,147.00	0.00	0.00	126.99	547.12	8,599.88	94.0
5203000 TRAVEL	3,371.00	0.00	0.00	0.00	0.00	3,371.00	100.0
5204000 CONTRACTUAL SVCS	63,226.00	0.00	26,858.69	2,948.17	66,011.45	29,644.14	0.0
5205000 SUPPLIES & MATRLS	2,700.00	0.00	0.00	0.00	1,623.19	1,076.81	39.9
5207000 CAPITAL OUTLAY	300.00	0.00	0.00	0.00	0.00	300.00	100.0
PS SUBTOTALS	59,166.00	0.00	0.00	1,786.99	7,699.12	51,466.88	87.0
OE SUBTOTALS	69,597.00	0.00	26,858.69	2,948.17	67,634.64	24,896.33	0.0
COMPANY 6503-I TOT	128,763.00	0.00	26,858.69	4,735.16	75,333.76	26,570.55	20.6

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

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092100061840	1140000	13,567.80	DR	BOARD OF MASSAGE THERAPY
COMPANY/SOURCE TOTAL 6503 618			13,567.80	DR *	
COMP/BUDG UNIT TOTAL 6503 09211			13,567.80	DR **	
BUDGET UNIT TOTAL 09211			13,567.80	DR ***	



STATE OF SOUTH DAKOTA  
REVENUE SUMMARY BY BUDGET UNIT  
FOR PERIOD ENDING: 03/31/2025

AGENCY	09	HEALTH	BOARD OF MASSAGE THERAPY - INFO						
BUDGET UNIT	09211		COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE		
CENTER									
COMPANY NO	6503								
COMPANY NAME	PROFESSIONAL & LICENSING BOARDS								
092110061840	6503	4293101			RENEWAL FEES	70.00-	58,565.00		
092110061840	6503	4293102			INACTIVE FEES	.00	1,000.00		
092110061840	6503	4293103			TEMPORARY FEES	125.00	325.00		
092110061840	6503	4293104			REACTIVATION FEE	.00	130.00		
092110061840	6503	4293106			APPLICATION FEES	400.00	5,400.00		
092110061840	6503	4293990			LICENSING FEES	260.00	3,510.00		
ACCT: 4293					BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	715.00	68,930.00	*	
ACCT: 42					LICENSES, PERMITS & FEES	715.00	68,930.00	**	
092110061840	6503	4595001			MISC INCOME COPIES-LISTS	.00	300.00		
ACCT: 4595						.00	300.00	*	
ACCT: 45					CHARGES FOR SALES & SERVICES	.00	300.00	**	
092110061840	6503	4920045			NONOPERATING REVENUES	.00	1,643.13		
ACCT: 4920					NONOPERATING REVENUE	.00	1,643.13	*	
ACCT: 49					OTHER REVENUE	.00	1,643.13	**	
CNTR: 092110061840						715.00	70,873.13	***	
CNTR: 092110061						715.00	70,873.13	****	
CNTR: 0921100						715.00	70,873.13	*****	
COMP: 6503						715.00	70,873.13	*****	
B UNIT: 09211						715.00	70,873.13	*****	





STATE OF SOUTH DAKOTA  
MONTHLY EXPENDITURE REPORT  
FOR PERIOD ENDING: 03/31/2025AGENCY 09 HEALTH  
BUDGET UNIT 09211 BOARD OF MASSAGE THERAPY - INFO

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPVL #, OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/ CR
COMPANY NO 6503										
COMPANY NAME PROFESSIONAL & LICENSING BOARDS										
6503	092110061840	51010300000000000000 CGEX250312		03/14/2025					1,660.00	DR
	OBJSUB: 5101030								1,660.00	DR **
	OBJECT: 5101 EMPLOYEE SALARIES								1,660.00	DR ***
6503	092110061840	51020100000000000000 CGEX250312		03/14/2025					126.99	DR
	OBJSUB: 5102010								126.99	DR **
	OBJECT: 5102 EMPLOYEE BENEFITS								126.99	DR ***
6503	092110061840	51020405000000000000 7342CON250654		03/26/2025	02599372	ALBERTSONC	12301068		1,786.99	DR ***
6503	092110061840	52040500000000000000 7644CON250654		03/26/2025	02599372	ALBERTSONC	12301068		225.00	DR ***
	OBJSUB: 5204050								35.00	DR
6503	092110061840	52040800000000000000 N295-163		03/26/2025					260.00	DR **
	OBJSUB: 5204080								1,437.50	DR **
6503	092110061840	52041800000000000000 DP502088		03/21/2025					1,437.50	DR **
	OBJSUB: 5204180								284.75	DR **
6503	092110061840	52042000000000000000 FM512069		03/12/2025					284.75	DR **
6503	092110061840	52042000000000000000 FM512070		03/12/2025					254.24	DR **
	OBJSUB: 5204200								347.43	DR
6503	092110061840	52045300000000000000 PCX009078		03/26/2025					601.67	DR **
	OBJSUB: 5204530								22.50	DR **
6503	092110061840	52049600000000000000 D0950709		03/05/2025	F26176				22.50	DR **
6503	092110061840	52049600000000000000 D0950709		03/05/2025	F26176				7.85	DR
6503	092110061840	52049600000000000000 D0950709		03/05/2025	F26176				7.85	DR
6503	092110061840	52049600000000000000 17604		03/14/2025	00960292	STENOPATIT	12325268		7.85	CR
	OBJSUB: 5204960								333.90	DR
	OBJECT: 5204 CONTRACTUAL SERVICES								341.75	DR **
	GROUP: 52 OPERATING EXPENSES								2,948.17	DR ***
	COMP: 6503								2,948.17	DR ***
	CNTR: 092110061840								4,735.16	DR *
	CNTR: 092110061								4,735.16	DR *****
	CNTR: 0921100								4,735.16	DR *****
	B. UNIT: 09211								4,735.16	DR *****
									4,735.16	DR *****





## **Draft Updated Records Retention and Destruction Schedule**

The pages that follow contain draft updates to the Massage Therapy Board Records Retention and Destruction Schedule.

The proposed changes are shown with a ~~striketrough~~ for deletions and an underscore for additions.

Pages that contain proposed changes are:

3, 4, 5, 6, 7, 8, 12, 13, 15, 18

The Board may choose to accept these changes, revise the proposed changes, add or subtract language, or make no changes to the Records Retention and Destruction Schedule.



BOARD OF  
MASSAGE THERAPY

RECORDS RETENTION AND  
DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589





DEPARTMENT OF  
EXECUTIVE MANAGEMENT  
  
BUREAU OF  
ADMINISTRATION

PBM 01234

RECORDS MANAGEMENT PROGRAM  
104 South Garfield  
c/o 500 East Capitol Avenue  
Pierre, SD 57501-5070  
Phone: (605) 773-3589

## MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer  
State Records Manager

SUBJECT: **Records Retention and Destruction Schedule Manual**

DATE: December 22, 2016

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that "No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value."

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers and supporting documents; warrants; personnel and payroll records; client/case files; capital asset inventories; cash receipts; and duplicate copies of state publications.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements to transfer the records to the archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management practices.



## **South Dakota Codified Laws:**

1-27-1. Public records open to inspection and copying. Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts there from during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

1-27-1.1. Public records defined. Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

1-27-9. Records management programs--Definition of terms. Terms used in §§ 1-27-9 to 1-27-18, inclusive, mean:

(2) "Record," a document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in §§ 1-27-9 to 1-27-18, inclusive.

1-27-11. Board to supervise destruction of records--State records manager as ex officio member--Permission required for destruction. There is hereby created a board consisting of the commissioner of administration, state auditor, attorney general, auditor-general, and state archivist to supervise and authorize the destruction of records. The state records manager shall also serve as an ex officio member in an advisory capacity only. No record may be destroyed or otherwise disposed of by any agency of the state unless it is determined by majority vote of the board that the record has no further administrative, legal, fiscal, research, or historical value.

1-27-15. Destruction of non-record materials. Any non-record material not included within the definition of records as contained in § 1-27-9 may be destroyed at any time by the agency in possession of such materials without the prior approval of the commissioner of administration.

### **Definitions:**

**Superseded:** To take the place of; replace.

**Obsolete:** No longer in use.



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RECORDS OFFICER:	<u>Kari Williams</u>
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**BMT-1.    ADMINISTRATIVE REFERENCE FILES:**

**16-012**

This series contains information used in the daily administration of the Board. Information may include, but is not limited to: equipment, inventory, mailing lists, monthly reports, research materials, reference manuals, rules and regulations, property management information, logs, and other related information. This record series is maintained for reference purposes.

**RETENTION:** Retain current in office. Destroy superseded or obsolete.

(Note: Review files on a yearly basis to avoid build-up of superseded or obsolete materials.)

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**BMT-2.**    **ADMINISTRATIVE RULES PROMULGATION FILES:**

**16-012**

This series is arranged by subject matter and contains administrative rules promulgation files. Information may include: notices of public hearings, affidavits of publication of notices, written comment from the public, transcripts of hearings, and final decisions. Files have little reference activity once the hearing has been held unless someone requests a copy of the transcript. This record series is maintained for documenting the proper promulgation of administrative rules pursuant to SDCL 1-26.

**RETENTION:** FINAL DECISIONS: Retain permanently in office.

ALL OTHER DOCUMENTATION: Retain in office for as long as rules are in effect, then destroy.

(Note: SDCL 1-26-7 states in part that "each agency shall keep the original records, documents, and instruments required by the chapter." There is no time frame included for these records. Since SDCL 1-26-6.8 provided that "No rule is enforceable in the courts unless properly adopted," the records must be maintained at least until a curative statute has been adopted by the Legislature similar to SDCL 1-26a-2, which cures all defects in the adoption of rules appearing in the 1974 printed ARSD.)

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**BMT-3.     ANNUAL REPORTS:**

This series is arranged chronologically and contains the originals of all annual reports written by the Board to summarize their activities for the previous year. Information may include: number of licenses issued, number of inspections conducted (if applicable), number of violations noted, man hours, time reports, and other related information. A copy of this report is filed annually with the Department of Health. This record series is used for reference to compare activities from year to year.

**16-012**

**RETENTION:** Retain 4 years in office, then destroy.

**BMT-4.     APPLICATION FILES:**

This series is arranged alphabetically and documents individuals applying for licensure, inactive licensure, reactive licensure, temporary permit, or licensure by reciprocity. Information may include: application, verification of education, official transcripts, and verification of licensure in another state. This record series is used to determine eligibility for licensure.

**16-012**

**RETENTION:** Transfer approved applications to respective "Licensee Database File Record".



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**BMT-5.     APPLICATIONS, INCOMPLETE/NON-APPROVED:**

**16-012**

This series is arranged alphabetically and contains applications that are incomplete or otherwise not approved for license. Information may include: an application, transcripts, and verification of licensure in another state. This record series is maintained to document application work in progress pending Board action.

**RETENTION:** ~~Retain 4 years in office, then sScan paper applications to licensee database record.~~ and convert digital images to microfilm applications to licensee database record. Maintain digital images in licensee database record and microfilm for 46 25 years. Destroy digital images ~~and microfilm~~ after 25 years.

**BMT-6.     ASSOCIATION AND ORGANIZATION FILES:**

**16-012**

This series is arranged chronologically and contains current correspondence and newsletters from professional associations and/or organizations to which the Board of Massage Therapy belongs. Information may include: minutes of association meetings, conference agendas, expense reports, participants names, and other State's massage therapy legislation. This record series is used for reference purposes concerning ideas and policies suggested and used by these associations.

**RETENTION:** Retain 4 years in office, then destroy.

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**BMT-7.     AUDIT REPORTS:**

**16-012**

This series is arranged chronologically and contains Legislative Audit reports concerning the expenditure and administration of funds. Information may include: cover letters, statement of assets, revenues and expenditures, change of fund cash balances, and observations and recommendations. This record series is maintained for identifying problem areas and discrepancies so that corrective measures may be implemented.

**RETENTION:** Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Legislative Audit maintains the reports permanently.)

**BMT-8.     BOARD MEETING FILES:**

**16-012**

This series is arranged chronologically by meeting date and may contain handout material and agenda items to be discussed at the next Board meeting. Information may include: date, time and location of the meeting, items under old business, items under new business, financial information, handouts, and any licensure related issues. This record series is used to determine the course of the board meetings.

**RETENTION:** Retain ~~current~~ digital copies in office. Destroy superseded or obsolete once the meeting minutes have been approved.



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**BMT-9.    BOARD MEMBER FILES:**

**16-012**

This series is arranged alphabetically and contains information regarding individual Board members. Information may include: letters of appointment, terms, expiration dates, payroll information, rosters, and correspondence. This record series is maintained to document member appointments to the Board of Massage Therapy and any related information pertaining to each.

**RETENTION:** Retain 4 10 years after termination, then destroy.

**BMT-10.    BOARD OF MASSAGE THERAPY DATABASE RECORDS:**

**16-012**

This computer licensure system is arranged numerically by license number and contains the actual license information for each licensee or certificate holder under the jurisdiction of the South Dakota Board of Massage Therapy. These records are stored on the Board's licensure computer system. Information may include: name, address, date of birth, social security number, license number, licensure status, education, exam information, continuing education information, and insurance information. This record series is maintained for verification and licensure purposes.

**RETENTION:** Retain 50 years after license expiration or inactivation, then delete.



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**BMT-11. BUDGET FILES:**

**16-012**

This series is arranged chronologically and may contain the information used to prepare the yearly budget request. Information may include: budget requests, operating budgets balance sheets, budget projections, projected salaries, dispersions, and other related information. This record series is used throughout the year in monitoring program activities and for preparing new budget requests.

**RETENTION:** Retain 4 years in office, then destroy.

**BMT-12. COMPLAINT FILES:**

**16-012**

This series contains all related correspondence received from either the general public or initiated by the Board of Massage Therapy concerning problems which have occurred with licensed or non-licensed massage therapists. Information may include: nature of the complaint, related correspondence, investigation of the allegation, conclusion of the investigation, National Practitioner Data Bank (NPDB) reports, and related materials. This record series is used by the Board to determine if a complaint is substantiated and if so, to take corrective action.

**RETENTION: LICENSED:** Retain until case closed, then transfer to the respective "Licensee File"

**NON-LICENSED:** Retain 50 years, then destroy.

**NOTE:** Remove reference to cease and desist because the board is not allowed to send cease and desist letters.

~~UNLICENSED PRACTICE CEASE & DESIST: Retain 4 years in office, then scan paper and convert digital images to microfilm. Maintain digital images and microfilm for 46 years. Destroy digital images and microfilm after 50 years.~~

~~(Note: No complaint was found for these existing cease and desist files. This is a one-time microfilm request.)~~

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**BMT-13. CONTINUING EDUCATION CREDIT AUDITS:**

**16-012**

This series is arranged chronologically and contains random audits of continuing education credits received by massage therapists. Information may include: date of audit, name, findings of fact, and education verifications. This record series is used to verify that massage therapists received the education stated on their renewal applications.

**RETENTION:** Scan paper copies when received and place in licensee's database record. Retain paper copies 4 years in office, then destroy.

**BMT-14. CONTINUING EDUCATION PROGRAM RECORDS:**

**16-012**

This series is arranged numerically by date, which is approved annually to offer continuing education courses in massage therapy. Information may include: school or seminar name, course information, sample of text or handouts, correspondence, course outline, names of participants, date, and credit given. This record series is used to certify qualified classes, and review course data.

**RETENTION:** Retain 4 years in office, then destroy.



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**BMT-15. CONTRACTS, LEASES, AND AGREEMENTS:**

**16-012**

This series may contain contracts, leases, and agreements between the Board of Massage Therapy and other parties. Information may include: terms and conditions of the contracts and agreements, effective dates, costs, and funding sources. This record series is maintained for reference and audit purposes.

**RETENTION:** Retain current in office. Destroy 6 years after terminated provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: SDCL 1-24A-1 requires consulting contracts be filed with the State Auditor.)

**BMT-16. CORRESPONDENCE, GENERAL:**

**16-012**

This series is arranged chronologically and contains both copies of letters and memorandums sent, and originals of letters and memorandums received. The information is used for occasional reference and documentation pertaining to regulatory questions.

**RETENTION:** Retain 1 year in office, then destroy.

**BMT-17. DEPOSITS:**

**16-012**

This series contains deposit slips submitted with receipts. Information may include: date, account number, an itemized list of who have paid license fees, receipt numbers, amounts, and total amount deposited. This record series is maintained for audit purposes to verify that all deposits were made.

**RETENTION:** Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.



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**BMT-18. ELECTRONIC COMMUNICATION RECORDS:**

**16-012**

This series may contain e-mail messages, voicemail messages, recorded telephone conversations, instant messages, etc. created or received by employees of the agency.

**RETENTION:** Determine the record status of the message based on the content. If the message is an official record made or received pursuant to law or in connection with the transaction of official business, the retention period should be covered by an existing record series in the respective agency's retention manual. It is permissible to print record e-mails and file them with like paper records.

**NON-RECORD MESSAGES:** Retain until action has been taken, then destroy or delete.

**BMT-19. EXPENSE FILES:**

**16-012**

This series contains itemized listings of all expenses incurred by Board members. Information may include: name, dates, type of expenditures, amounts, and totals. This record series is used for support and documentation of vouchers submitted for payment.

**RETENTION:** Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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**BMT-20.    FINANCIAL STATEMENTS:**

**16-012**

Financial statements provide an overview of the agency's financial condition for a given year. Information may include: balance sheets, statement of revenues, expenditures, and changes in fund balances (budgeted and actual); statement of fixed assets; summary of significant accounting procedures; supplemental information and working papers. This record series is maintained for reference and audit purposes.

**RETENTION:** Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

**BMT-21.    JOB TICKETS, CENTRAL DUPLICATING:**

**16-012**

This series is arranged numerically contains the printing requisition as submitted by the Board. Information may include: agency code, agency name, mailing address, submitted by, job description, date sent, date needed, number of pages, quantity of copies, printing specifications, and description. The information is used to ensure accurate completion of the request.

**RETENTION:** Retain 4 years in office, then destroy.



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**BMT-22. LEGISLATION FILES:**

**16-012**

This series is arranged chronologically and constitutes the Board's central file of all proposed legislation and legislation from previous years. Information may include: resource materials, bill tracking printouts, copies of House and Senate bills, preliminary bill drafts, and the final drafts of proposed legislation. This record series is used for bill drafting, submission, and tracking during the legislative session.

**RETENTION:** Retain current in office. Destroy superseded or obsolete.

**BMT-23. LICENSEE FILES:**

**16-012**

This series is arranged numerically and documents personal data for active, inactive, and expired licensed massage therapists. Information may include: original applications, college grade transcripts, renewal applications, verification of most current continuing education units, verification of education, substantiated complaints, and proof of insurance. This record series is used to document the licensing and renewal processes of all massage therapists. Scan applications when complete and digitally file in applicant's database record.

**RETENTION:** ~~Retain in office 4 years after license expiration or 10 years after license inactivation, then scan paper and convert digital images to microfilm. Destroy images and microfilm after 50 years.~~ database record 25 years after license expiration or inactivation.

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**BMT-24. LICENSEE LIST:**

This series contains a list of grandfathered licensee, active licensees and temporary permit holders issued by the Board of Massage Therapy. Active licensees and temporary permit holders are available on the Board's website. Information may include: license number, first and last name, city, state, issue date, and expiration date. This record series is used reference and for licensure verification.

**16-012**

**RETENTION:** Retain information current. Destroy superseded or obsolete.

**BMT-25. NEWSLETTER FILES:**

The Board of Massage Therapy does not publish newsletters.

~~This series contains newsletters published by the Board of Massage Therapy. Information may include: date, topics discussed, and informational materials. Newsletters are available on the Board's website.~~

**16-012**

~~**RETENTION:** Retain 5 years, then destroy.~~

~~(Note: File newsletters with the State Library pursuant to SDCL 14-1A and ARSD 24:30:07:06, and two copies with State Archives.)~~



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**BMT-26. OPEN RECORDS REQUESTS:**

**16-012**

This series contains open record requests received by agencies. Information may include: open records request, correspondence, denial letters, and supporting documentation. This series is maintained to document the outcome of requests and for reference purposes. Denial letters are maintained pursuant to SDCL 1-27-1.4.

**RETENTION:** DENIAL LETTERS: Retain permanently.

**ALL OTHER INFORMATION:** Retain 4 years in office, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

**BMT-27. POLICIES AND POSITIONS:**

**16-012**

This series is arranged by topic and contains the current policies and positions implemented by the Board. Information may include the Board's position or interpretation on issues and policies, and date of implementation or adoption. This record series is used to determine the proper course of action to take in certain situations.

**RETENTION:** Retain current in office. Destroy superseded or obsolete.

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**BMT-28. MINUTES, BOARD OF MASSAGE THERAPY:**

**16-012**

This series is arranged chronologically and contains the official minutes of the Board meetings. Information may include: dates of meetings, members present, topics discussed, actions taken, and the signature of the secretary. This record series is used for occasional reference and documentation purposes.

**RETENTION:** Retain ~~4 years in office, then scan paper and convert digital images to microfilm.~~ Maintain images and microfilm digital copies permanently.

**BMT-29. RECEIPTS:**

**16-012**

This series contains receipts used to documents the receipt of money. Information may include: date money was received, amount received, funds and accounts to be credited, the amount to be credited, and signature of the person receiving the money. This record series is maintained for audit purposes.

**RETENTION:** Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.



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**BMT-30. RECORDS MANAGEMENT FILES:**

**16-012**

This series contains records management information. Information may include: copies of the standard records transfer receipt forms, Records Retention and Destruction Schedule (RRDS), copies of microfilm project registration forms, inventory listings, and microfilm and box destruction authorization forms. This record series is maintained for tracking records sent to Records Management storage, to document the time each record series must be legally maintained, and to document authorization granted to RM for destruction of obsolete records.

**RETENTION: DESTRUCTION AUTHORIZATION FORMS:**  
Retain 4 years in office, then destroy.

**ALL OTHER INFORMATION:** Retain current in office. Destroy superseded or obsolete.

STATE OF SOUTH DAKOTA  
RECORDS RETENTION &  
DESTRUCTION SCHEDULE  
AUTHORIZATION FORM  
(Std Form RM-1 Rev 1/03)

DEPARTMENT:	Health
DIVISION:	Boards
OFFICE:	Massage Therapy
PROGRAM:	
RECORDS OFFICER:	Kari Williams
RM CUSTOMER #:	0003

**RECORD**

**SERIES NO.**    **TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE**

**R.D.B.**  
**AUTHORITY**  
**NUMBER**

**BMT-31.    SOUTH DAKOTA FINANCIAL SYSTEM REPORTS:**

**16-012**

These daily, weekly, monthly\*\*, and year-end \*\* reports are used to monitor and reconcile fiscal year receipts and expenditures. Information is maintained by the Finance Officer and may include: revenue and journal voucher reports\*, open purchase order reports, available funds reports\*, revenue analysis reports, state general ledger trail balance\*, company general ledger trial balance\*, expenditure reports\*, bank reconciliation reports\*, employee receivable reports\*, warrant register reports\*, encumbrance detail reports\*, accounts payable reports\*, projects reports\*, cash center reports\*, object/sub-object reports\*, budget adjustments reports, Special Bureau of Administration revenue reports, agency funds activity reports\*, company 8,000 trail balance by center\*, encumbrance balance report\*, and special travel expenditure reports. This record series is maintained for audit purposes.

**RETENTION:** Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: the asterisk (\*) indicates reports maintained permanently by the Bureau of Finance and Management. (\*\*) Many of the June monthly reports serve as the year-end reports.)



STATE OF SOUTH DAKOTA  
RECORDS RETENTION &  
DESTRUCTION SCHEDULE  
AUTHORIZATION FORM  
(Std Form RM-1 Rev 1/03)

DEPARTMENT:	Health
DIVISION:	Boards
OFFICE:	Massage Therapy
PROGRAM:	
RECORDS OFFICER:	Kari Williams
RM CUSTOMER #:	0003

RECORD SERIES NO.	TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE	R.D.B. AUTHORITY NUMBER
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**BMT-32. SURPLUS PROPERTY FILES:**

**16-012**

This series contains the form submitted to the director of South Dakota Property Management for approval to dispose of State-owned personal property and the written notification received from Property Management designating the manner of disposal. Information may include: agency name; date; address or location of property; phone number; name of individual requesting; Property Management Officer's name; description of item(s); quantity; serial number; equipment number; desired method of disposal as authorized; reason for declaring property as surplus; estimate of current value; suggested selling price; minimum acceptable price; statement of content; fixed asset number, if applicable; and any other information deemed necessary. This record series is maintained pursuant to SDCL 5-24A.

**RETENTION:** Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

**BMT-33. TEMPORARY PERMIT FILES:**

**16-012**

This series contains requests for temporary permit applications for individuals to become temporarily licensed as a massage therapist. Information may include: name of facility, facility's address and phone number, name of individual authorized to request the permit, position of authorized person, name of applicant, applicant's address and phone number, date of birth, social security number, license number, licensure status, education, exam information, continuing education information, insurance information, and authorized signatures. This record series is maintained for reference purposes.

**RETENTION:** Retain ~~50~~ 10 years in ~~office~~ licensee database record following the date of expiration, then destroy.

STATE OF SOUTH DAKOTA  
RECORDS RETENTION &  
DESTRUCTION SCHEDULE  
AUTHORIZATION FORM  
(Std Form RM-1 Rev 1/03)

DEPARTMENT:	<u>Health</u>
DIVISION:	<u>Boards</u>
OFFICE:	<u>Massage Therapy</u>
PROGRAM:	
RECORDS OFFICER:	<u>Kari Williams</u>
RM CUSTOMER #:	<u>0003</u>

**RECORD**

**SERIES NO.**   **TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE**

**R.D.B.**  
**AUTHORITY**  
**NUMBER**

**BMT-34.   VOUCHERS:**

**16-012**

This series may contain copies of direct vouchers, receiving vouchers, non-cash vouchers, travel vouchers, and journal vouchers, along with copies of any supporting invoices or receipts. Vouchers are used to enter transactions on the central accounting system.

**RETENTION:** Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.



## **Agenda Item #9 -- Complaint Process**

At the January 22, 2025 meeting, there was discussion about the Board adopting a policy for the Investigative Committee, consisting of one board member, Executive Secretary, and legal counsel, to dismiss complaints that do not contain probable cause. Legal Counsel Steve Blair suggested that this be placed on the next meeting agenda for the possible adoption of a policy in this regard.

## **Agenda Item #10 – Policy for Acceptance of Credit to Clock Hours for Massage Therapy Education**

At the January 22, 2025 meeting, there was discussion about the conversation of credit hours to clock hours. In communicating with FSMTB (Federation of State Massage Therapy Boards) recently, they advised that generally 1 credit hour of education is equal to 29 clock hours.

It is being requested that the Board adopt a policy that one credit hour equals 29 clock hours for purposes of reviewing massage therapy education.