

SOUTH DAKOTA BOARD OF MASSAGE THERAPY MEETING MINUTES

Thursday, June 17, 2026

Via Microsoft Teams

1. Call to Order

President Fallon Helm called the meeting to order at 9:00 am CDT. Members of the public could join the meeting via Microsoft Teams or tele-conferencing.

2. Roll Call

Executive Secretary Kate Boyd read the roll and a quorum was established.

Members Present: Fallon Helm – via Teams Meeting
Ashley Kesterson – via Teams Meeting
Leslie Nuckles, via Teleconference
Mariah Pokorny, via Teams Meeting

Others Present: Kate Boyd, Executive Secretary – via Teams Meeting
Beverly Katz, Staff Legal Counsel – joined via Teams Meeting
later in the meeting

Guests Present: Elise Baine, Mai Lin Petrine, Olawa Rae-Bruhjell, Bob Mercer

3. Approval of Agenda

President Fallon Helm suggested amending the agenda to allow input Mai Lin Petrine from the Federation of State Massage Therapy Boards (FSMTB) to interact with the board during the discussion of draft administrative rules. Les Nuckles made a motion, seconded by Ashley Kesterson, to approve the meeting agenda as amended. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Nuckles yea; Pokorny yea)

4. Open Forum

There were no public comments during open forum.

5. Draft Administrative Rules

The purpose of the meeting was to finalize the draft of the proposed administrative rules changes so that the board could approve and begin the formal administrative rules adoption process.

Mai Lin Petrine, an attorney with the Federation of State Massage Therapy Boards addressed the board. She stated the importance of removing the names of recognized facilities from the administrative rules. Naming schools in administrative rule is problematic from a legal standpoint and could lead to claims of discrimination and favoritism as well as potential antitrust concerns. It was further noted that if the names continue to be named in administrative rules, it requires the board to amend the rule to add or remove names of recognized facilities.

Ms Petrine further stated the necessity of developing a rule for other potential schools to seek recognized facility status.

The board made the following changes from the draft that the board preliminarily approved on June 11, 2026:

20:76:08:01. Recognized facilities. Removed the board's website address from the rule.

It was pointed out that if the Bureau of Information Technology or the Department of Health alter the website address, we would have to pursue an administrative rules change.

20:76:08:02. Facilities that may be recognized by the board. Under subsection (2), added the words "or by South Dakota Board of Massage Therapy."

The reason for adding in "or by the South Dakota Board of Massage Therapy" is due to the fact that the current presidential administration wants to eliminate the U.S. Department of Education. Adding in the South Dakota board will allow the board to accept the out-of-state facility accreditation prior to another administrative rules change.

20:76:08:02.01. Recognized facility application form. Added a subsection (3) to state: "other relevant information related to the operational procedures of the facility."

Subsection (3) stated that this new rule only required an in-state facility to submit their curriculum and list of instructors with their credentials. Adding in "other relevant" information allows the board to request other information on the application.

20:76:08:02.02. Instructors. Mai Lin Petrine of FSMTB suggested new wording to make it clearer that a licensed massage therapist is allowed to teach any of the 500 hours of mandated education and that individuals with other specific credentials may teach subject areas that are not directly related to massage therapy techniques if that individual possesses the required education or 2,000 hours of professional work experience in that area. The essence of the proposed rule did not change, merely the wording.

Following board discussion of the proposed rules, Mariah Pokorny made a motion, seconded by Ashley Kesterson, to approve the final draft of the proposed rules with the changes made during the meeting and to move forward with the formal rules adoption process. **MOTION PASSED.** Roll Call Vote (Helm yea; Kesterson yea; Nuckles yea; Pokorny yea)

6. Next Meeting Date – July 20, 2026

The next board meeting date was set for July 20, 2026. This will be the regular quarterly meeting of the board. It was noted that at some point in the future the board will need to schedule a public hearing on the proposed rules, but we are not yet able to determine when that will need to occur.

7. Adjourn

Les Nuckles made a motion, seconded by Ashley Kestersen to adjourn. **MOTION PASSED.**
Roll Call Vote (Helm yea; Kesterson yea; Nuckles yea; Pokorny yea)

The meeting was adjourned at 9:52 am.

Respectfully submitted,

Executive Secretary Kate Boyd and Secretary Mariah Pokorny