

SOUTH DAKOTA BOARD OF MASSAGE THERAPY HEARING MINUTES

Wednesday, August 6, 2025

Via Microsoft Teams

1. Call to Order

President Fallon Helm called the meeting to order at 9:01 am CDT. Members of the public could join the meeting via Microsoft Teams or tele-conferencing.

2. Roll Call & Introduction of New Board Member

Mariah Pokorny was introduced as the new public member of the board. Mariah was formerly with the South Dakota Department of Health. Mariah stated that she left State employment in late January of 2025 to join the staff of a national organization.

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

Members Present: Fallon Helm – via Teams Meeting
Mariah Pokorny, 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
Kaitlin Sherer, SD Department of Health

Guests Present: Mai Lin Petrine, Bob Mercer, KELOLAND TV, Darcy Davis, Seth Dinkel, Shayla Nyberg-Sutton, Rhanda Heller, Emily Burke, Brittney Rausch, Representative Tesa Schwans, Tonia McGeorge, Alexa Frye

3. Approval of Agenda

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

4. Open Forum

Rhanda Heller spoke during open form on a variety of subjects. She expressed dissatisfaction that an individual who formerly worked for the Department of Health was appointed to the board. She stated that the draft legislative bill that the board will be considering goes beyond what the round-table participants anticipated and some of the group's recommendations are not in the proposed legislation, including two-year license renewal, Title Protection should be worked differently, and stated it will be a huge workload to establish school, student, and establishment licensing. She questioned if the schools had the opportunity to provide input on school and student licensing.

President Fallon Helm stated that she had facilitated the round-table meetings from mid-December 2024 – May 22, 2025. The round-table meetings were open to anyone who chose to participate. The Board reviewed the recommendations and provided input to staff to draft the legislation. The bill will likely be changed and some portions of the bill removed. She stated that it is important to move forward positively and productively for the overall betterment of massage therapy in South Dakota.

5. Approval of Draft Meeting Minutes (May 21, 2025)

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

6. Executive Secretary Report

Executive Secretary Kate Boyd reported the following:

a. Financial Report for the Month and Year Ending June 30, 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 the board ended FY 2025 with a negative cash balance of \$5,400.52. The draft legislation includes increasing the amount that can be charged for license renewal. The bill also includes some other fees not currently being charged for services the board is already providing for free, including duplicate licenses and verification of licensure to a state board office in another state. Further, requiring the licensing of schools, students, and business establishments will include fees for those licenses. These proposed additional licenses would fill the gap in the board's regulatory authority. In terms of the suggestion for two-year licensing, the board is going to need a significant increase in licensing and renewal of licenses to continue to exist. Significantly increasing the licensing and renewal fees and implementing two-year licensing would have a large impact on licensees the first year. Collecting renewal fees every other year would not result in a significant savings to the board.

b. South Dakota Open Meeting Laws – A copy of the state's updated open meeting laws had been included in the meeting packet. The updated law requires boards to review the open meeting laws once a year. Legal counsel Steve Blair reviewed the updated laws and provided explanation to the significant areas of the law. Executive Secretary Kate Boyd asked about two specific areas of the law: (1) group emails to board members for purposes of scheduling meetings, and (2) the use of voice vote versus roll call votes during meetings. Mr. Blair responded that it is acceptable to include all board members in an email to schedule meetings, without violating the open meeting laws, but no communication can occur about board topics. He also said that the law allows for voice votes, but if any member votes nay, then the board must proceed to a roll call vote. Use of voice vote for routine matters, such as approval of minutes, approval of meeting agenda, and adjourning a meeting would facilitate less time being devoted to routine matters. The board could adopt a policy to allow all motions to be a voice vote or could identify which type of motions they would like to maintain as roll call votes. It was agreed that at the November 19, 2025 meeting, this subject will be on the agenda for the board's review and decision.

c. FSMTB Annual Meeting Registration – Executive Secretary Boyd stated that she and Fallon Helm have registered for the October, 2025 FSMTB annual meeting. FSMTB is allowing

two representatives from each member state to attend at FSMTB's cost. President Helm stated that if another board member wants to attend, she will pay her own way because she thinks the meeting is so worthwhile and important.

d. Board Policy Regarding Reporting of Unlicensed Practitioner – A licensee recently contacted the board office to inquire who the executive secretary contacts when there are complaints that go beyond the board's authority. The board only has authority over licensees of the board. Other complaints the board receives, such as unlicensed practice, may potentially be criminal in nature. The written board policy says that the board should contact the state's attorney. A possible amendment to the written policy was presented for the board's consideration. It would require contacting both the police department and the state's attorney. Following discussion it was agreed to put this subject on the agenda for the November 19, 2025 board meeting for further discussion and possible update of policy.

7. School License Sale/Transfer

Patricia Fields, the owner of Buffalo Ridge Resort and Spa in Gary, South Dakota had contacted the board office to inquire about opening a massage school. The current laws and rules do not include a path for a new school to be approved. The list of approved schools is contained in administrative rule. Ms. Fields then contacted the owner of Pam's Massage School to inquire about purchasing the school and moving its location to her facility in Gary, South Dakota. She has indicated that the purchase of the school is underway. Executive Secretary Boyd noted that Pam's Massage School was originally located in Mitchell, South Dakota, and then purchased and moved to Tea, South Dakota. Legal counsel Steve Blair commented that the approved schools are mentioned by name in administrative rule, but the rule does not designate who the owner is or that the school must remain in its original location.

8. Draft Legislative

New member Mariah Pokorny stated for the record that she was not a part of the development of the draft legislative bill when she was with the Department of Health and only saw the bill after it was drafted. The board reviewed the draft legislative bill. It was noted that the draft legislation needs to be sent to the Department of Health no later than August 22, 2025. There was discussion about the proposed student licenses. It was suggested that an additional sentence be added to include: "student licenses expire six months after completion of their massage therapy education program."

Mariah Pokorny made a motion, seconded by Thor Thonvold, to amend Section 19 to add a sentence to Section 19 that states: "student licenses expire six months after completion of the student's massage therapy education program" and to approve the draft legislation as amended. **MOTION PASSED.** Roll Call Vote (Helm yea; Pokorny, Reinert yea; Thonvold yea; Trace yea)

9. Next Meeting

The next regularly scheduled meeting is November 19, 2025 from 9:00 – 11:00 am CST. Two items from this meeting will be on that agenda: (1) Board policy of who to contact with

complaints, state's attorney, police department, or both; and, (2) Board policy on voice votes vs roll call votes.

14. Adjourn

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

The meeting was adjourned at 10:45 am.

Respectfully submitted,

Executive Secretary Kate Boyd and Secretary Thor Thonvold