Meeting Minutes
South Dakota Board of Massage Therapy
Wednesday, May 25th, 2022 9:00 a.m. CST
217 W Missouri Avenue Pierre, SD 57501
Via Microsoft Teams

President Christine Ellwein called the meeting to order at 9:03 a.m. Pankratz seconded the motion. **Motion passed.**

**Board Members Present:**
Christine Ellwein, Fallon Helm, Lorin Pankratz, Alvin Trace, Kallyn Reinert

**Others in Attendance:**
Executive Secretary, Melissa Miller, Legal Counsel, Steve Blair, Department of Health, Susan Sporrer and Jennifer De Hueck and Massage Therapy Board Staff, Jessica Doom

**Guests in Person:** Bridget Myers and Barb Trevett

**Guests Online:**
Rhanda Heller, Marrisa Moore, Laura Brein, Laura Embleton, Gina Schnabel, Olga Rae-Brujhjell, James Specker, AMTA (others in attendance were anonymous)

Helm inquired about adding letter from South Dakota Massage Therapist and Bodyworkers Group added to agenda. Board agreed to add to next agenda.

**Approval of the Draft Minutes (March 23, 2022)**
Helm made a motion to approve the minutes with amended spelling to Kallyn Reinert name. Reinert seconded the motion. **Motion passed.**

**Open Forum**
Barb Trevett and Rhanda Heller addressed the board.

Trace joined the meeting at 9:33.

**Executive Session (Board Meeting Training and Complaint Procedures)**
Pankratz made a motion to go into executive session. Helm seconded the motion. **Motion passed.** Guests left the room. Online guests were put into the waiting room.

Board came out of executive session at 11:33 a.m. Guests came back into the room. Online guests were put into the meeting.

**Chair Massage Proposal**
Trace presented the proposal. Helm asked questions around the process to clarify rules and regulations to best support decision making process. Pankratz stated that he did not think it was the board’s decision. This will be added to next meeting agenda for further discussion and review of the definition of massage therapy in statue.
Executive Session (Complaint 2022-002 and Application)
Helm made a motion to go into executive session. Trace seconded the motion. **Motion passed.**
Guests left the room. Online guests were put into the waiting room.

Board came out of executive session at 11:45 a.m. Guests came back into the room. Online guests were put into the meeting.

**Case 2022-002**
Pankrantz made a motion to dismiss 2022-002. Trace seconded the motion. Reinert recuses herself. **Motion passed.**

**Application T10725**
Helm made a motion to authorize board staff to enter into an agreed disposition with the applicant and that the application be granted on the grounds the applicant undergo 6 month probationary period. The applicant must maintain mentor approved by board staff and must report monthly. Al Seconded the motion. **Motion passed**

**Financial Report**
Wages and budget were presented and discussed by Miller. She discussed a increase in fees and stated there would be more discussion at the next meeting.

**Adjournment**
12:24 p.m.

Fallon Helm,
Secretary
The FSMTB Bylaws are the governing document of the organization and set forth the authority granted to the membership, the board of directors, and standing committees. If your Board/Agency wishes to propose an amendment to the Bylaws, please submit the proposed amendment and rationale to FSMTB Executive Director, Dr. Debra Persinger at: dpersinger@fsmtb.org no later than July 20, 2022.

FSMTB Bylaws

SAVE THE DATE

FSMTB ANNUAL MEETING
Charlotte, North Carolina
October 18-20, 2022

Please be sure to select your board’s voting delegate to serve as your representative at the annual meeting. Member registration opens on Friday, July 1, 2022.

REMINDER: Membership must be current to ensure your board/agency has a voice and a vote. As a member benefit, FSMTB covers travel, accommodation, food, and meeting registration expenses for each delegate.

FSMTB | 7300 College Boulevard, Suite 650, Overland Park, KS 66210

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Sent by dpersinger@fsmtb.org powered by

The purpose of life is a life of purpose - Robert Byrne
# Member Information

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<tr>
<th>Name</th>
<th>Position</th>
<th>City</th>
<th>Term End Date</th>
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<td>Massage Therapist</td>
<td>Pierre</td>
<td>10/30/2022</td>
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<tr>
<td>Fallon Helm, Secretary</td>
<td>Massage Therapist</td>
<td>Aberdeen</td>
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<td>Lorin Pankratz</td>
<td>Public Member</td>
<td>Sioux Falls</td>
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<td>Kallyn Reinert</td>
<td>Massage Therapist</td>
<td>Mobridge</td>
<td>10/30/2022</td>
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<td>Alvin Trace, Vice President</td>
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**Monthly Activity**  
(Activity Based on Deposits in June)

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**Total Licenses and Permits as of 6/30/2022**

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Complaints Resolved: 4 - dismissed for lack of merit

Next Board Meeting: The next board meeting is November 16.

Phone/Email Questions: We have received questions about the application process, fees, timelines and complaints. We are receiving many questions about education requirements and renewal. Renewal opens August 1.
## Board of Massage Therapy - Info

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<th>Expenditures</th>
<th>Encumbrances</th>
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**SUPPLIES & MATERIALS**

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| 52 Operating      | **81,996** | **67,039** | **0**       | **0**       | **14,957** | **18.2** |

<p>| <strong>Total</strong>         | <strong>83,713</strong> | <strong>68,912</strong> | <strong>0</strong>       | <strong>0</strong>       | <strong>14,801</strong> | <strong>17.7</strong> |</p>
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South Dakota Board of Massage Therapy
Board Policies & Positions

Board Operations

Any officer of the Board may sign documents on behalf of the Board. (Board Action March 6, 2006)

The Board shall join the Federation of State Massage Therapy Boards. (Board Action April 18, 2006)

The Board considers the following information collected of licensees by the Board to be public: Original License Category; License Status; Complaint(s) Resolved Through Official Board Action; First Name; Middle Name; Last Name; Maiden Name; Primary Address; Primary City; Primary State; Primary Zip Code; Issue Date; Expiration Date; and Inactive Date. All other information collected by the Board is considered confidential. (Board Action June 17, 2013)

A mailing list of massage therapist licensees, including only name and primary mailing address of a licensee, will be available in a PDF or Excel format for one-time use for a fee of $300. (Board Action September 25, 2019)

Board Meetings

The Executive Secretary shall provide board members with copies of any materials received in the Board office that have been marked for distribution to board members unless the materials are related to an open complaint or investigation. Such materials shall be included in the packet of information provided to board members for a scheduled board meeting. Any materials must reach the board office at least five days prior to the meeting to be included in the board meeting packet.

Individuals in attendance at a Board meeting shall register with the Executive Secretary by signing in, if physically present at the board meeting, or, if participating by the internet (e.g., Zoom, Teams), by entering their name in the chat feature. Individuals must indicate if they intend to speak during the open forum time on the agenda. The minutes of the board meeting shall reflect all people who have signed in, whether they intend to comment or not.

In order to minimize disruption to the Board’s meeting, all audio and video recordings of a Board meeting made by a member of the public pursuant to SDCL 1-25-11 shall be made from a place in the meeting room designated by the Board for such public recordings. The place designated by the Board will be located in the meeting room to reasonably allow for audio or video recordings. The Board does not guarantee the
quality of the acoustics, sound, or lighting in the meeting room or any impact such
coustics, sound, or lighting may have on the quality of the recording. No matters
properly subject to Executive Session pursuant to SDCL 1-25-2 maybe may be
recorded, in any manner, by a member of the public or a member of the Board. (Board
Action April 10, 2017)

Licensing

A licensee grandfathered in another state does not meet reciprocity requirements in
South Dakota. (Board Action July 25, 2011)

The Board does not accept education from a school that is no longer operational and
was not recognized by a state board or recognized accrediting body while in operation.
(Board Action March 17, 2014)

The Board will allow licensees who receive their original license on June 1st or later
each year to be issued a license that is valid through September 30 of the following
year. (Board Action July 21, 2014)

Complaints

Complaints filed with the board do not need to be notarized.

All complaints filed with the board must be in writing and contain an explanation of the
alleged violation. The complaint must be signed and include the address and/or
telephone number of the complainant. The board will not accept third party complaints
unless the complainant is the parent or legal guardian of the person who was subject to
the alleged violation.

Upon receipt of the response of the applicant or licensee, or upon expiration of the time
for the applicant or licensee complained against to respond, the administrator shall
assign an investigative committee (Board member, Executive Secretary and Staff
Attorney) to determine if the complaint has probable cause and constitutes grounds for
disciplinary action or lacks probable cause and should be dismissed (SDCL 36-1C-3).

The Board authorizes the Executive Secretary to refer complaints alleging unlicensed
practice to the state’s attorney at the time the complaint is filed with the Board and
dismiss the complaint due to lack of jurisdiction. (Board Action March 16, 2015)

The Executive Secretary will provide an update, as necessary, at each board meeting of
the status of complaints received. The update will include the number of complaints
dismissed due to lack of jurisdiction and the number of complaints that were resolved.

The President may appoint a non-board member to investigate a complaint when filed
by or filed against a board member. (Board Action July 11, 2017)
Board members contacted by a licensee or a member of the public about a complaint or investigation pending before the Board shall respond they are not able to have any communications related to the complaint or investigation. A board member must report any contact about a complaint or investigation to the Executive Secretary.

**Massage Therapy Students**

Massage therapy students may perform supervised externships without a license. *(Board Position October 14, 2008)*

Costs associated with a student performing a massage may be recovered when the student performs such services within the scope of an approved massage therapy school curriculum under the supervision of a licensed massage therapist. *(Board Action September 21, 2015)*

**Continuing Education**

Reiki is not massage therapy. Reiki classes are not continuing education compliant. *(Board Position April 16, 2009)*

The Board does not accept carryover continuing education credits for multiple renewal periods. *(Board Action March 17, 2014)*

The Board accepts CPR courses only from American Red Cross and American Heart Association certified instructors and such courses count as 4 hours of continuing education per renewal period. *(Board Action November 3, 2014)*

Personal Protective Equipment (PPE) Sanitation presented by an approved provider of the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), American Medical Massage Association (AMMA), or Federation of State Massage Therapy Boards (FSMTB) for up to 3 continuing education units as a qualifying continuing education course, in accordance with ARSD 20:76:03:04. Qualifying activities. *(Board Action May 19, 2020)*

Attendance of the video conference of a board meeting is also qualifying continuing education in conjunction with ARSD 20:76:03:04. *(Board Action May 19, 2020)*
The Course Category Policy below is effective November 1, 2019 as part of the Board Policies and Positions (Board Action September 25, 2019)

Course Category Policy Acceptable Course Categories
The FSMTB has determined that courses taught in the following categories will be acceptable for inclusion in the CE Registry. Inclusion does not guarantee acceptance for license renewal; only state licensing boards have the authority to accept continuing education for license renewal. The Board recognizes courses in the CE Registry as meeting requirements for license renewal.

- Anatomy & Physiology – Courses whose main purpose is to instruct students in the structure and function of the body.

- Applications & Tools – Courses whose main purpose is to instruct students in using applications and tools in the practice of massage therapy:
  - Applications – The topical application of any preparation, including but not limited to, the external application of hydrotherapy, thermotherapy and cryotherapy to augment the effects of massage therapy treatment.
  - Tools – Manual devices that mimic or enhance the actions of the hands.

- Instructor Training – Courses to prepare individuals to teach in the massage profession.

- Kinesiology – Courses whose main purpose is to instruct students in the study of the movement of the body.

- Modalities – Eastern/Asian – Courses whose main purpose is to instruct students in Eastern/Asian massage modalities.

- Modalities – Western – Courses whose main purpose is to instruct students in Western massage modalities.

- Pathology – Courses whose main purpose is to instruct students in the study of diseases that affect the human body and their implications for massage.

- Pharmacology – Courses whose main purpose is to instruct students in the interactions between medications and massage.

- Professional Practice – Courses in the following topic areas:
  - Assessment
  - Benefits of Massage
  - Body Mechanics
  - Business
  - Documenting/Charting
  - Record Keeping
  - Treatment Planning
  - Third Party Reimbursement

This is a summary of policies and positions adopted by the South Dakota Board of Massage Therapy on specific issues. This summary is not an exhaustive list of all policies and positions of the South Dakota Board of Massage Therapy and should not be relied on as an exhaustive list. These policies and positions are offered as guidance, not as binding authority. The South Dakota Board of Massage Therapy reserves the right to modify or repeal a policy or position at any time.
- **Regulatory Ethics** – State required regulatory education courses.
  - Addictions/Substance Abuse
  - Boundaries
  - Cultural Competence
  - Ethics
  - Human Trafficking
  - Infectious Disease Control
  - Laws
  - Mandatory Reporting
  - Medical Error Prevention
  - Regulations
  - Scope of Practice
  - Sexual Misconduct/Abuse

- **Research** – Courses whose main purpose is to instruct students in the process of scientific research of massage therapy.

- **Special Populations** – Courses whose main purpose is to instruct students in providing massage/bodywork to special populations of clients.
  - Athletes/Fitness
  - Disabilities
  - Geriatric
  - Hospice
  - Infants & Children
  - Military
  - Orthopedic
  - Obese
  - Oncology
  - Pregnant
  - Trauma

- **Other** – Courses whose main purpose is not found in any other category. These courses will be reviewed for acceptance on a scheduled basis.

**Unacceptable Course Topics**
The FSMTB does not accept courses that are out of the massage therapy scope of practice. Some unacceptable course types are:

- Advanced science
- Applied Kinesiology
- Animal massage
- Bamboo
- Chiropractic assistant
- Crystals
- Crystal bowls
- Dancing
- Diets
- Dry Needling
- Electric stimulation
- Energy work
- Exercise
- Feng Sui
- Herbal remedies
- Homeopathic remedies
- Light therapy
- Martial Arts
- Meditation
- Non-biological science
- Nutrition
- Personal training
- Pilates
- Qi Gong
- Sea shells
- Social work
- Spirituality
- Supplements
- Tai Chi
- Therapist Self-care
- Tuning Forks
- Ultrasound
- Weightlifting
- Yoga
Certified Chair Massage Therapist

Rational:

Provide opportunities for those interested in learning chair massage for working in environments such as conventions, sport events, workplace, stores and other situations. This training would not prepare a student to practice as a Licensed Massage Therapist. It does however provide skills and techniques to provide a seated/chair massage.

Requirements:

Anatomy and Physiology 40 hours
Chair Massage techniques 30 hours
Ethics 10 hours
CPR/First Aid 10 hours
Contraindications 10 hours
Total 100 hours

Chair Massage Certification, Training and Careers:

Chair massage is a brief session of bodywork during which the client is treated while in a seated position.

The chair massage, which usually lasts between 5 and 30 minutes, may take place in a special massage chair or an ordinary chair and focuses on the head, neck, shoulders, back and hips.

If you’ve attended chair massage school, you’ll find that job opportunities are everywhere from, shopping malls to hospitals, from convention centers to sporting events.

Making chair massage available to those who have an interest in this line of work would provide a new work opportunity that would not impact the work of a Licensed Massage Therapist. It actually would likely provide a referral opportunity to LMT's in their community.
Benefits of Chair Massage

1. REDUCES STRESS
   A whopping 85% stress reduction! Stress levels measured before and after each massage found one of the biggest benefits of seated massage therapy to be a seriously effective office stress reliever.

2. DECREASES ANXIETY AND DEPRESSION
   One of the biggest benefits of office massages is that massage reduces anxiety by 26%, and depression scores also improve by 28%.

3. RELIEVES MUSCLE TENSION AND PAIN
   Back pain is cut in half with regular corporate chair massages. A 48% decrease was seen in the studies on back pain and tension.

4. IMPROVES QUALITY OF SLEEP
   Over multiple studies, the average improvement in sleep quality was 28%. That includes increased duration as well as fewer sleep disturbances.

5. RELIEVES HEADACHES
   Headaches are decreased by an average of 48% in duration and intensity with regular onsite massages.

6. LOWERS BLOOD PRESSURE
   Across multiple studies, there was an average of a 6% drop in blood pressure, which may not sound like a lot. But that’s the difference between hypertensive blood pressure and normal blood pressure, and that’s without any medication at all! Plus, these studies showed that there was a lasting effect and the benefits of corporate massage programs showed very clearly as the massage group continued to have lower blood pressure than the control groups for weeks after treatment stopped.

7. PREVENTS REPETITIVE STRAIN INJURIES
   For employees doing repetitive movements, weekly chair massage reduces repetitive stress injuries by 37%.

8. INCREASES IMMUNE FUNCTION
   In studies on immune function, the good cells of the body perform 35% better as one of the benefits of corporate chair massage, and this is especially true for autoimmune and inflammatory illnesses.

9. INCREASES FOCUS, ENERGY, AND MENTAL CLARITY
   After chair massages, employees in two studies show increased alertness, speed, and accuracy on math computations following treatment.

Care of: nivati
MENTAL HEALTH FOR THE WHOLE EMPLOYEE
FOR AN ACT ENTITLED, An Act to increase certain application and renewal fees for massage therapists and establish a fee for late renewal of a license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-35-12.3 be AMENDED:

36-35-12.3. A license issued under this chapter is valid until September thirtieth following the date it is issued and automatically expires unless it is renewed. A licensee who fails to renew by September thirtieth may renew a license as long as the licensee is otherwise eligible and pays the board the renewal fee required pursuant to § 36-35-17 and a late fee set by the board by rules promulgated pursuant to chapter 1-26 not to exceed one hundred dollars. No late renewals may be accepted by the board after November thirtieth.

Section 2. That § 36-35-16 be AMENDED:

36-35-16. Any licensee holding a valid license under this chapter may renew that license by making application for renewal, paying the required renewal fee, and providing proof of compliance with the continuing education requirements set by the board. If the board has not received a license renewal application by the expiration date, the board shall notify the licensee within five days that the renewal application has not been received and that the licensee may not practice until the license is renewed. Any person who submits a license renewal application and provides proof of compliance with the continuing education requirements set by the board within thirty sixty days after the expiration date may be granted a license renewal.

Section 3. That § 36-35-17 be AMENDED:

36-35-17. Any applicant for a license under this chapter shall submit a nonrefundable application fee not to exceed two hundred dollars. Any person who has a license issued or renewed by the
board shall submit a license fee in an amount not to exceed sixty-five two hundred dollars. [Upon request by a licensee, the board may issue a duplicate license or license certification for a fee in an amount not to exceed fifteen dollars. Fees shall be set by the board by rule promulgated pursuant to chapter 1-26.]

Section 4. That ARSD 20:76:02:02 be AMENDED:

20:76:02:02. License fee schedule.

The license fee schedule is as follows:

(1) Temporary permit fee, $50 $75;
(2) Annual license renewal fee, $65 $80;
(3) Late renewal fee, $50;
(4) Inactive license fee, $25;
(4)(5) Application fee, $100 $120; and
(6) Duplicate license or license certification fee, $5.

Commented [SE3]: Added this language to allow the board to issue a duplicate license.