

**GEORGIA BOARD OF MASSAGE THERAPY  
MINUTES OF BOARD MEETING  
September 05, 2008**

The Georgia Board of Massage Therapy board meeting was held on September 05, 2008 10:00 a.m., at The Professional Licensing Boards Division offices located at 237 Coliseum Drive, Macon, Georgia.

**The following members were present:**

Jane H. Johnson, Chairman  
Kathy V. Lescak, Vice Chairman  
Melony Phillips, Cognizant  
Steve Earles

**Absent:**

Marlene Gaskill, Consumer

**Administrative Staff Present:**

Brig Zimmerman, Executive Director, Serena Gadson, Application Specialist II, Pam Candler, Application Specialist and Amanda Allen, Board Secretary

**Attorney General's Office**

Janet Jackson, AAG

**Guest Attendees:**

C. Harrison Braddy, President Nightingale Medical Institute  
Carmelia Jackson, Attorney, Nightingale Medical Institute  
Tracey Austin, Consultant, Nightingale Medical Institute  
Monique Messer, Instructor, Nightingale Medical Institute  
Marla Hannah, Instructor, Nightingale Medical Institute  
Kareemah Alhaleem, Instructor, Nightingale Medical Institute  
Eric J. Beasley, Academic Dean, Nightingale Medical Institute  
Sandi Stephens, Massage Therapy Coordinator, Nightingale Medical Institute

**Ms. Johnson established that a quorum of the Board was present and called the Board meeting to order at 9:05 a.m.**

**Agenda:**

**Ms. Phillips moved, Ms. Lescak seconded, and the Board voted to approve the agenda with late agenda items added. None opposed, motion carried.**

**Announcements:**

Ms. Johnson announced that Ms. Marlene Gaskill, Consumer Member would be unable to attend today's scheduled Board meeting.

**Board Rules - Discussion on proposed amendments/repeal of current rules:**

**SYNOPSIS OF PROPOSED AMENDMENT TO THE  
GEORGIA BOARD OF MASSAGE THERAPY RULES,  
CHAPTER 345-4 LICENSE RENEWAL, CONTINUING EDUCATION,  
INACTIVE STATUS AND REINSTATEMENT OF LICENSE; SUBCHAPTER .03  
CONTINUING EDUCATION PROVIDERS SEEKING BOARD APPROVAL.**

**PURPOSE:** The purpose of the proposed rule amendment is to remove current language regarding the Board's review and approval of continuing education providers, and to add new language regarding approved providers.

**MAIN FEATURES:** The main feature of the proposed rule amendment is removal of existing language regarding the Board review of continuing education providers and the addition of new language regarding the acceptance of continuing education providers approved through the National Certification Board for Therapeutic Massage and Bodyworks (NCBTMB).

**THE PROPOSED AMENDMENT TO THE GEORGIA BOARD OF MASSAGE  
THERAPY RULES, CHAPTER 345-4 LICENSE RENEWAL, CONTINUING  
EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE;  
SUBCHAPTER .03 CONTINUING EDUCATION PROVIDERS SEEKING BOARD  
APPROVAL.**

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

**345-4-.03 Continuing Education Providers seeking Board approval ~~Amended~~**

~~(1) The Board may consider additions to the (not inclusive) listed approved continuing education courses and/or providers from a licensee or provider if pre approval is requested and justified by the Board, provided the following supporting documentation for approval of a non listed course/provider is submitted to the Board:~~

~~(a) from a licensee: a program description, program objectives, detailed time schedule, speakers' names and qualifications and a sample of the certificate or proof of attendance. The licensee shall identify a contact person, sponsoring person or agency, program title, location, date, target audience, type of program and number of contact hours requested, or;~~

~~(b) from a provider: submission of an "Application for Approval of Continuing Education Program" by the Georgia Board of Massage Therapy and submit a program description, program objectives, detailed time schedule, speakers' names and qualifications and a sample of the certificate or proof of attendance. The provider shall identify a contact person, sponsoring person or agency, program title, location, date, target audience, type of program and number of contact hours requested.~~

~~(c) Upon review of the information received from a licensee or a completed application from an interested provider, the Board shall notify the licensee/provider of approval or denial, and the number of approved contact hours if approved. The Board shall make information about approved programs available to all licensees.~~

~~(d) All requests for pre approval of continuing education course hours must be submitted to the board administrative staff sixty (60) or more days *prior* to the scheduled event.~~

(2) Reporting and Auditing: The method of reporting and auditing continuing education shall be:

(a) At the time of license renewal, each massage therapist shall certify to the Board that he/she has completed the continuing educational hours required for license renewal.

(b) The staff of the Professional Licensing Boards shall randomly audit a percentage, determined by the Board, of active licensees for compliance with continuing education requirements.

Documentation of continuing education which the Board deems as acceptable proof or verification of completion shall include, but is not limited to, the following:

1. For continuing education courses that include attendance and participation at a presentation such as a workshop, seminar, conference or in-service educational program, a certificate of completion or similar documentation, including your massage therapy license number and the providers CEU Number, signed by program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule;

2. Lectures and Multi Media courses: For lectures, a certificate of completion or similar documentation, including your massage therapy license number and the providers CEU Number, signed by program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule. Multi Media courses shall require the successful completion and submission of a written post experience examination to evaluate material retention. Multi Media courses include, but are not limited to, audio, audiovisual, closed circuit television, and the internet;

3. Correspondence Courses: A certificate of completion or similar documentation, including your massage therapy license number and the providers CEU Number signed by program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule;

4. Formal self study, viewing of videotapes in a professional setting, satellite broadcasts, or computer learning activities must include:

(i) Verified instructional time by the course sponsor; a certificate of completion or similar documentation signed by program official; and

(ii) A program description including sponsor, course title, date, program objective/learning outcomes, content description.

The Georgia Board of Massage Therapy does not pre-approve continuing education courses or programs at this time. The Board will accept continuing education hours from any entity who is recognized/approved as a "Continuing Education Provider" by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB). Continuing Education Providers recognized by the NCBTMB may be located by contacting the NCBTMB directly or by searching their website, [www.ncbtmb.org](http://www.ncbtmb.org).

**Authority: O.C.G.A. §§ 43-1-4, 43-1-24, 43-1-25, 43-24A-7, 43-24A-14 and 43-24A-20.**

**Ms. Phillips moved, Ms. Lescak seconded, and the Board voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 43-1-4, 43-1-24, 43-1-25, 43-24A-7, 43-24A-14 and 43-24A-20.**

**Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.G.C.A. §§ 43-1-4, 43-1-24, 43-1-25, 43-24A-7, 43-24A-14 and 43-24A-20 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A),**

**(B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.**

No guest attendees for the Rule Hearing.

**Ms. Phillips moved, Ms. Lescak seconded, and the Board voted to adopt the proposed amendments to Rule 345-4.03 Continuing Education Providers Seeking Board Approval. None opposed, motion carried.**

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**SYNOPSIS OF PROPOSED AMENDMENTS TO THE GEORGIA BOARD OF  
MASSAGE THERAPY RULE: CHAPTER 345-5, RULE 345-5-.01 LICENSURE BY  
ENDORSEMENT**

**PURPOSE:** The purpose of the proposed rule amendment is to comply with recent statutory changed for licensure by endorsement.

**MAIN FEATURES:** The main feature of the proposed rule amendment is the rewriting of paragraph (d) to comply with the statutory change effective July 1, 2008.

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

**Rule 345-5-.01 Licensure by Endorsement. Amended.**

(1) Any applicant holding a current license, in good standing, as a massage therapist issued by another jurisdiction, state, or territory of the US or foreign country that is equal to or exceeds the Georgia licensure requirements, shall apply for licensure by endorsement by submitting an application on a form provided by the Board, accompanied by the appropriate fee (see fee schedule) and the following:

(a) verification that an applicant is at least 18 years of age; and

(b) three (3) references: two (2) professional references from licensed healthcare professionals or instructors from a massage therapy program and one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the licensed professional references must have known the applicant for only a minimum of six (6) months; and

(c) authorization to perform a criminal background check; and

~~(d) one of the following:~~

~~↳~~ (d) Official verification of current licensure as a massage therapist, in good standing, from another jurisdiction, state, or territory of the United States or foreign country, including a copy of

its licensing laws for massage therapist, whose standards for licensure meet or exceed those required by Georgia; ~~or,~~

~~2. Current certification by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) or an equivalent certification (must be certification approved by the National Commission for Certifying Agencies).~~

(e) The Board may request additional verification of any requirements or credentials as it may deem necessary.

Authority: O.C.G.A. §§ 43-1-4, 43-1-24, 43-1-25, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-13 and 43-24A-14.

**Mr. Earles moved, Ms. Lescak seconded, and the Board voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 43-1-4, 43-1-24, 43-1-25, 43-24A-7, 43-24A-14 and 43-24A-20.**

**Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.G.C.A. §§ 43-1-4, 43-1-24, 43-1-25, 43-24A-7, 43-24A-14 and 43-24A-20 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.**

No guest attendees for the Rule Hearing.

**Mr. Earles moved, Ms. Lescak seconded, and the Board voted to adopt the proposed amendments to Rule 345-5-01 Licensure by Endorsement. Rule was amended to reflect the statute changes. None opposed, motion carried.**

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**SYNOPSIS OF REPEAL OF A GEORGIA BOARD OF MASSAGE THERAPY RULE,  
CHAPTER 345-6, RULE 345-6-.01 LICENSURE BY RECIPROCITY**

**PURPOSE:** The purpose of the proposed repeal of the rule to comply with recent statutory changes.

**MAIN FEATURES:** The main feature of the proposed rule change is to repeal the rule in its entirety to comply with the repeal of O.C.G.A. § 43-24A-12, effective July 1, 2008.

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

**Chapter 345-6 ~~Licensure by Reciprocity~~ Reserved**

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345-6-.01 Licensure by Reciprocity

**345-6-.01 Licensure by Reciprocity**

(1) Any applicant holding a current license, in good standing, as a massage therapist issued by another jurisdiction, state, or territory of the US or foreign country that is equivalent to the Georgia licensure requirements, shall apply for licensure by reciprocity by submitting an application on a form approved by the Board, accompanied by the appropriate fee (see fee schedule) and the following:

(a) verification that an applicant is at least 18 years of age; and

(b) three (3) references: two (2) professional references from licensed healthcare professionals or instructors from a massage therapy program and one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the professional references must have known the applicant for only a minimum of six (6) months; and

(c) authorization to perform a criminal background check; and

(d) official verification of current licensure as a massage therapist, in good standing, from another jurisdiction, state, or territory of the United States or foreign country, including a copy of its licensing laws for massage therapist, whose standards for licensure meet or exceed those required by Georgia.

~~(2) The Board may request additional verification of any requirements or credentials as it may deem necessary~~

**Authority O.C.G.A. §§ 43-1-4, 43-1-24, 43-1-25, 43-24A-7 and 43-24A-8**

**Ms. Lescak moved, Ms. Phillips seconded, and the Board voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 43-1-4, 43-1-24, 43-1-25, 43-24A-7, 43-24A-14 and 43-24A-20.**

**Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.G.C.A. §§ 43-1-4, 43-1-24, 43-1-25, 43-24A-7, 43-24A-14 and 43-24A-20 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.**

No guest attendees for the Rule Hearing.

**Mr. Lescak moved, Ms. Phillips seconded, and the Board voted to adopt the proposed Rule Repeal of 345-6.01 Licensure by Reciprocity. Rule appeal was due to the statute changes to reflect the amended changes to Rule 345-5-01 Licensure by Endorsement. None opposed, motion carried.**

**Nightingale Medical Institute School Interview**

**Following the Board appearance, and an in-depth discussion by the Board, Ms. Lescak moved, Ms. Phillips seconded, and the Board voted to approve Nightingale Medical Institute as a Board Recognized Massage Therapy Educational Program with detailed stipulations. Nightingale Medical Institute will have ten (10) business days to accept the stipulations required by the Board. Stipulations for Board recognition listed below. Mr. Earles abstains from voting. Motion carried.**

- Stipulations for approval as a Board Recognized Massage Therapy Educational Program:
- Submit an updated resume on Ms. Kareemah Alhaleem showing her dates of employment and time spent in the field of massage therapy. This information is to be forwarded to the Board within seven (7) days of the receipt of this correspondence; and,
- The effective date of the Board’s recognition of Nightingale Medical Institute as a Board Recognized Massage Therapy Educational Program is effective as of September 05, 2008. New students enrolled in your massage therapy program from that date forward will be considered for licensure if they meet all other requirements for licensure, including passing of one of the recognized national licensure or certification exams; and,
- The Board suggests all NMI students who graduated prior to September 05, 2008 be allowed to retake the non-lecture and technique classes in the curriculum that are required to be taught by qualified faculty.
- NMI students who graduated prior to September 05, 2008 who have applied for licensure should provide the Board with verification of completing the non-lecture and technique classes under NMI’s newly established faculty as presented to the Board during your appearance on September 05, 2008.

**Mr. Earles moved, and Ms. Phillips seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-2(k) (1) (2), O.C.G.A. § 50-14-2(1), O.C.G.A. § 43-1-2-(k) (4), O.C.G.A. § 43-1-19 (h) (2) & (4) to receive and review information pertaining to Applications, receive the Attorney General’s, Cognizant, and Investigation Reports. Voting in favor of the motion were those present who included Board members Phillips, Earles, Lescak, and Johnson.**

**Applicant Interviews**

**Ms. Lescak moved and Ms. Phillips seconded and the Board voted to take the following actions on applicants appearing before the Board to appeal denial of licensure by official tax documents:**

Plank, Sylvia	Denial withdrawn; approved for licensure
K.H.	Denial Stands
C.R.	Denial Stands
A.P.	Denial Stands

**Ms. Lescak moved and Ms. Phillips seconded and the Board voted to take the following actions on applicants appearing before the Board to appeal denial of licensure by official transcript (Post July 01, 2007):**

J.J. Denial withdrawn; approved pending upon receipt  
official transcript  
Hobbs, Chad Denial withdrawn; approved for licensure

**Mr. Earles moved and Ms. Phillips seconded and the Board voted to take the following actions on applicants appearing before the Board by request for licensure by official transcript:**

Wilkinson, Darron Approved for licensure

**Mr. Earles moved and Ms. Lescak seconded and the Board voted to take the following action on applicant appearing by Board request for licensure by official transcript:**

D.M. Approved Pending

**Attorney General's Report:**

Assistant Attorney General, Ms. Janet Jackson provided the Board with a status report.

**Mr. Earles moved, Ms. Lescak seconded, and the Board voted to approve the Assistant Attorney General's report as presented during executive session. None opposed, motion carried.**

**Probation Report:**

Fabian Eccardi – In compliance with Board orders.

Meredith Barnhart- In compliance with Board orders.

T.J. – Non-compliance with Board orders. **Ms. Phillips moved, Ms. Lescak seconded, and the Board voted to refer probation file to the Attorney General's office for non-compliance with Board orders.**

**Ms. Phillips moved, Mr. Earles seconded, and the Board voted to accept the Probation Report as presented. None opposed, motion carried.**

**Additional Business Discussed:**

**Ms. Lescak moved, Ms. Phillips seconded, and the Board voted to re-elect Ms. Jane Johnson as Chair and Ms. Kathy Lescak as Vice Chair for the 2008-2009 term.**

**Ms. Phillips moved, Ms. Lescak seconded, and the Board voted to reschedule the December 18<sup>th</sup> and 19<sup>th</sup> meeting dates to the 11<sup>th</sup> and 12<sup>th</sup>. None opposed, motion carried.**

**There being no additional business to discuss, Ms. Phillips moved, Ms. Lescak seconded, and the Board voted to adjourn today's meeting at 5:40 p.m.**

**Minutes recorded by:**

Amanda Allen, Board Secretary

**Minutes reviewed and edited by:**

Brig Zimmerman, Executive Director

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Jane H. Johnson, Chair

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Brig Zimmerman, Executive Director

These minutes were approved and signed on: \_\_\_\_\_