

GEORGIA BOARD OF MASSAGE THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
June 27, 2014 * 9:00a.m

The Georgia Board of Massage Therapy met on Friday, June 27, 2014. The following members were present:

Board Members Present

Craig Knowles-Chair
Denise Taylor-Vice Chair
Jennifer Clay-Cognizant
Jane Johnson –Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Wanda Jaffe, Licensing Supervisor
Tamara Elliott, Board Support Specialist

Attorney General's Office

Stephanie Mason Zudekoff, Assistant Attorney General

Visitors

Marcia Mann, CE Broker State Contract Manager
Charles Bradley Cass, B-Relaxed
Jennifer Dunn, Helms Career Institute

Mr. Knowles established quorum and called the meeting to order at 9:10a.m.

OPEN SESSION

Agenda The Board accepts agenda as amended

9:15 am - CE Broker Presentation

At the request of the Board, Marcia Mann, CE Broker State Contract Manager provided a presentation entitled "Automate and Simply Continuing Education Tracking." After the presentation the Board considered the various account options noted within the presentation and decided that the basic account, no cost option would be best if the Board is to proceed with the service. The Board further determined that in order to use CE Broker, they will need to enter into a contract for the service and develop a rule with specific language regarding the use of the provider.

Open Session Board Minutes Ms. Johnson motioned, Ms. Taylor seconded, and the Board voted unanimously in favor of the motion to approve the April 25, 2014 open session minutes.

Licenses to Ratify Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the ratified list of licenses issued April 19, 2014 – June 19, 2014 and between Board Meetings.

Correspondence from Chris Osborne, Miller-Motte Technical College The Board accepts the correspondence as information and directs staff to draft a response declining the offer for members to join their Advisory Board due to potential conflict of interest and thanking them for the invitation. The Board further directs staff to notify them that they may submit inquiries to the Board offices for consideration by Craig Knowles who serves as the Cognizant Board Member for Education and they are welcome to have someone attend the open sessions of the Board meeting if it would prove helpful to the Advisory Board.

Correspondence from Mary O'Reilly (FSMTB) – East West Massage School, LLC Revocation (South Carolina)
The Board accepts the correspondence as information.

Discussion: Georgia Massage Institute Curriculum Change Ms. Johnson motioned, Ms. Taylor seconded, and the Board voted unanimously in favor of the motion to accept the curriculum change from Georgia Massage Institute.

Discussion: Policy for Release of Information to Law Enforcement Ms. Clay motioned, Ms. Taylor seconded, and the Board voted unanimously in favor of the motion to approve policy for Administrative Release of Investigative Information to Law Enforcement Agencies and Lawful Licensing Authorities as amended.

Correspondence from FSMTB Model Practice Act The Board accepts the correspondence as information relevant to the feedback FSMTB Task Force received from Board Members on the Proposed Model Practice Act.

Rule Waiver Request: Amanda Bailey Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to grant the petition for waiver of Board Rule 345-8-.03(1)(e)(f) pending receipt of a verification of an unencumbered license from South Carolina.

Rule Waiver Request: Teresa Pearce-Jordan Ms. Johnson motioned, Ms. Taylor seconded, and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 345-8-.01(b) due to insufficient demonstration of a substantial hardship.

Board Chair Report – C. Knowles

Mr. Knowles provided an overview of the roundtable meeting that was hosted by Debbie A. Jones, City Marshall of Gainesville, Georgia on Wednesday, May 7, 2014 at 10:00a.m. at the Gainesville Public Safety Building located at 701 Queen City Parkway, Gainesville, GA. The meeting was to discuss massage therapy businesses that initiate or engage in sexual conduct, sexual activities, and sexualizing behavior with clients, the potential to formulate a method for prosecuting these businesses and ways of preventing them from reopening. He reported that in addition to Ms. Jones, the participants included two representatives from the Georgia Board of Massage Therapy as well as representatives from the Suwanee Police Department, Gainesville Police Department, Gainesville Fire Department, Gwinnett County Solicitor’s Office, Georgia Department of Homeland Security and the Secretary of State Office of Investigations. The Board Members present educated the others about the scope of practice for massage therapy. It was reported that often those arrested are unlicensed persons who are allegedly providing services listed as exceptions within the massage therapy statute and until there is legislation changing the scope of practice, the problems the county is having with these business may continue. Ms. Jones stated that there may be at least two more roundtable meetings on the issue.

Executive Director’s Report – A. Price Ms. Price presented the Board with statistical data relevant to the processing of applications, the issuance of licenses, complaints/compliance and provided an update regarding the system outages which may delay processing times. Ms. Price also made a suggestion to the Board to consider adopting a policy relevant to the periodic review of the Board Recognized Educational Programs. The Board accepts the report as presented.

Massage Therapy Policies

Ms. Taylor motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to update Policy II to include an annual review of the list of Board Recognized Educational Programs. If the program no longer meets the requirements established by the Board it shall be removed from the list in accordance with the Board Rules.

Ms. Clay motioned, Ms. Taylor seconded, and the Board voted unanimously in favor of the motion to repeal Policy X. and rescind Policy XI as it is a duplicate of Policy IX.

Ms. Taylor motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the amendments to Policy XIX.

Miscellaneous

Ms. Johnson entered into a discussion as to whether or not the Board should further define electromechanical devices which do not require the use of transcutaneous electrodes and which mimic or enhance the actions possible by the hands which is referenced in O.C.G.A. §43-24A-3(8) to eliminate any potential for confusion as to which devices massage therapists may legally use. The general consensus of the Board was to table the discussion at this time.

Ms. Clay motioned, and Ms. Taylor 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. Voting in favor of the motion were those present who included Board members: Mr. Knowles, Ms. Taylor, Ms. Clay, Ms. Johnson.

At the conclusion of Executive Session on Friday, June 27, 2014, Mr. Knowles declared the meeting to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were taken during executive session.

OPEN SESSION

Applicant Interviews

10:00am A.L.B. Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve application for licensure pending receipt of clear verification of license in South Carolina.

11:00am J.F.D. Ms. Taylor motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to uphold previous decision to deny application for licensure. The Board recommends that the applicant reapply for licensure after completion of criminal probation and the submission of proof of completion with the new application.

Attorney General's Report- S. Mason Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to accept the attorney general's report as presented.

1. S.D. Ms. Taylor motioned, Ms. Johnson seconded and the Board voted unanimously in favor of the motion to close the case and send a letter of concern in reference to aiding and abetting unlicensed practice.

School Cognizant's Report – C. Knowles Ms. Clay motioned, Ms. Taylor seconded and the Board voted unanimously in favor of the motion to accept the School Cognizant Report as presented.

1. Ms. Johnson motioned, Mr. Knowles seconded, and the Board voted unanimously in favor of the motion to notify the appropriate Gwinnett County governing body that Gwinnett County Ordinance 18-133(A)(4) is inconsistent with O.C.G.A. § 43-24A-8(b)(7) and recommend the ordinance be updated to accurately reflect and be in accordance with the law. The Board requests a response to the notification.
2. Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to direct Administrative Staff and the Attorney General's office to develop language to revise Board Rule 345-8-.03 to include language to require schools to submit a list of graduates at the end of each calendar year.
3. Mr. Knowles reported that in his role as School Cognizant, he occasionally finds that schools are updating the Board when there is a change in the name of the program; however, they are not promptly notifying NCBTMB. As a result, even though ownership has not changed, the name of the program on the transcript does not match the program name registered with NCBTMB. He indicated that he has been notifying the schools when this issue arises and wanted to confirm that he is able to do so. It was the consensus of the Board that this sort of notification falls within the role of the School Cognizant.
4. Mr. Knowles further reported that students have expressed concerns about programs requiring their students to complete more clinic hours than the law states. He also indicated that other individuals have reported to him that massage therapy students may be receiving compensation for work experiences required for the attainment of the degree. The consensus of the Board was to encourage the students and other concerned members of the public to submit their complaints and concerns in writing to the Board office for further review and investigation.
5. Mr. Knowles indicated he received a verbal inquiry as to whether or not schools may submit multiple applications for initial licensure at one time on behalf of their students along with one check to cover the fees. The consensus of the Board was to direct the school to submit their inquiries in writing to the Board for discussion and a response.
6. The Board expressed concerns about functionality of the Board website, how the system outages have hindered the school's ability to verify licenses and these things negatively impact the public's confidence in the Board. The Board drafted an official letter expressing their concerns to submit to Secretary of State, Brian Kemp.

School Recognition

1. API-Helms Ms. Taylor motioned, Ms. Johnson seconded and the Board voted unanimously in favor of the motion to approve API-Helms Career Institute for Board recognition.
2. Cohutta Ms. Clay motioned, Ms. Johnson seconded and the Board voted unanimously in favor of the motion to accept the curriculum changes as presented by Cohutta Healing Arts Institute School of Massage.

Cognizant's Report – J. Clay No cases to present for Board review.

Applications for Board Review

Arrests Application

1. J.F. Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve application for licensure with letter of concern regarding integrity.
2. B.W. Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to refer to legal services for public consent agreement for failure to disclose criminal history with a \$500 fine. License to be issued upon docketing and payment of the fine.

Reinstatement Applications

3. O.B. Ms. Taylor motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer to legal services for public consent agreement for unlicensed practice with a fine of \$750 fine. License to be issued upon docketing and payment of the fine.
4. L.C. Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to refer to legal services for public consent agreement for unlicensed practice with a fine of \$750 fine. License to be issued upon docketing and payment of the fine. Refer to investigations.

5. H.H. Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to refer to legal services for public consent agreement for unlicensed practice with a fine of \$500 fine. License to be issued upon docketing and payment of the fine.
6. C.W. Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to refer to legal services for public consent agreement for unlicensed practice with a fine of \$750 fine. License to be issued upon docketing and payment of the fine.

Transcripts Review Applications

7. J.W. Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion deny based on moral character of unlicensed practice.
8. Y.H. Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to deny application for licensure due to the school not possessing a NCBTMB provider code.
9. N.J. Ms. Taylor motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to deny application for licensure to deny application for licensure due to the school not possessing a NCBTMB provider code and does not meet educational requirements for Georgia.
10. S. T. Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to rescind previous decision of denial and approve applicant for licensure.
11. K.V. Ms. Taylor motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to deny application for licensure as the transcript does not meet educational requirements for Georgia.
12. Y.W. Ms. Taylor motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to deny application for licensure due to the school not possessing a NCBTMB provider code and does not meet educational requirements for Georgia.

Licensee Requests

1. D. D. Ms. Clay motioned, Ms. Johnson seconded and the Board voted unanimously in favor of the motion grant request for inactive status of license.
2. M. S. P. Ms. Johnson motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to approve the request for release of the transcript.

Unlicensed Practice List to Ratify Ms. Clay motioned, Ms. Taylor seconded, and the Board voted unanimously in favor of the motion to approve the unlicensed practice ratification list, accept the agreements as prepared upon receipt and allow the ED to sign with the express permission of the Board President.

Executive Session Board Minutes Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve the April 25, 2014 executive session minutes.

Miscellaneous

1. Executive Director Memo: R.A.T. Ms. Taylor motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to accept the consent order as presented.
2. Ms. Taylor motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to rescind previous motion to amend Board Rule 345-5-.01 which was entered at the April 25, 2014 Board meeting.
3. Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to adopt a policy for the School Cognizant Board Member to release transcript and score report information to either NCBTMB or FSMTB when inconsistencies are noted between those documents. The Cognizant will submit a list of notifications drafted between meetings to be ratified by the Board.

With no further business to be discussed, the meeting was adjourned at 2:00pm

Minutes recorded by: Tamara Elliott, Board Support Specialist
Minutes reviewed and edited by: Wanda Jaffe, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: August 29, 2014

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR