

GEORGIA BOARD OF MASSAGE THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
August 29, 2014 * 9:00a.m

The Georgia Board of Massage Therapy met on Friday, August 29, 2014. The following members were present:

Board Members Present

Craig Knowles, Chair
Jennifer Clay, Board Member
Jane Johnson, Board Member
Freddy Seagraves, Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Wanda Jaffe, Licensing Supervisor

Attorney General's Office

Scott Forbes, Assistant Attorney General

Visitors

Charles Bradley Cass of B-Relaxed

Mr. Knowles established quorum and called the meeting to order at 9:08a.m.

OPEN SESSION

Agenda Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to accept the agenda as amended.

Open Session Board Minutes Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve the June 27, 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 June 20, 2014 to August 22, 2014.

Correspondence from Mary O'Reilly – Massage & Bodywork Licensing Examination (MBLEx) Update The Board accepts the correspondence as information and directs staff to draft a response acknowledging receipt of the information.

Discussion: Board Rule 345-4-.02 Continuing Education Hours and Board Rule 345-4-.05 Reinstatement of License Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer the rules to the Attorney General's Office for a memorandum of authority to post the proposed rules as amended.

Discussion: Board Rule 345-4-.03 Continuing Education Providers Ms. Clay motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to refer the rule to the Attorney General's Office for a memorandum of authority to post the proposed rule as amended.

Discussion: Board Rule 345-6-.02 Scope of Practice for Massage Therapy Students Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to refer the rule to the Attorney General's Office for a memorandum of authority to post the proposed rule as amended.

Discussion: Board Rule 345-8-.03 Board Recognition Status Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to post the proposed rule as amended.

Ms. Clay motioned, Mr. Seagraves seconded and the Board voted unanimously in favor of the motion for staff to send correspondence to the schools on the approved list notifying them of the proposed rule revision and requesting a list of graduates with the parameters of the proposed rule from their date of inception to current as a matter of public protection.

Discussion – Columbus Technical College – Request for Board Recognition Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to table further review of the application pending receipt of documentation which converts contact hours to clock hours and clearly delineates pathology courses equaling 40 hours as required in BR 345-8-.01.

Discussion: Ethics and Boundaries Assessment Services, LLC The Board accepts the correspondence as information and directs staff to draft a response acknowledging receipt of the information and declining the offer at this time.

Discussion: FSMTB Annual Meeting Delegate Ms. Clay motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to appoint Board Member Jane Johnson as the voting delegate for the Board during the FSMTB Annual Meeting.

Discussion: FSMTB Invalidated Exam Score Report Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to open a complaint case for any individual on the list who holds an active license to practice in Georgia and upon completion of the investigation, refer the case(s) to the Attorney General's Office for revocation of licensure.

Discussion: FSMTB Proposed Amendments Bylaws The Board accepts the correspondence as information with no objection to the proposed amendments.

Discussion: FSMTB Settlement with Academy of Oriental Therapy, LLC The Board accepts the correspondence as information.

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 notified the Board that online renewal applications went live on August 22, 2014, updated the Board regarding the pending agreement for a continuing education tracking system and provided the Division Director's response, on behalf of Secretary Kemp, to the Board's letter expressing concerns over system failures and the website. The Board accepts the report as presented.

Miscellaneous The Board discussed the following items.

- a) **Correspondence: Melissa Hardin regarding Board Approval of US Career Institute** As Education Cognizant, Mr. Knowles entered into a discussion regarding the program which includes roughly 400 hours of online coursework and 200 hours of in-person coursework. He further indicated that currently the National Certification for Therapeutic Massage & Bodywork, Inc. (NCBTMB) bylaws do not include an in-person requirement. Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to refer Ms. Hardin to Board Rule 345-8-.01 which stipulates that Board approved programs must require in-class, hands-on, and on-site supervision.
- b) **Correspondence: Nick Ng regarding Online Interview regarding Changes in Rules** Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to accept the correspondence as information and further instructs staff to thank Mr. Ng for his consideration but respectfully decline the offer at this time.
- c) **Correspondence: Theresa Cox, Sr. Assistant County Attorney, Gwinnett County regarding City Ordinance** The Board accepts the correspondence as information and further instructs staff to thank Ms. Cox for the response.
- d) **Correspondence: Madison Gray regarding Neural/Nerve Mobilization** Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to request Ms. Gray to provide in writing any additional information regarding the issue at hand, the specific questions and/or concerns she wants the Board to consider, submit proof that the course and not just the instructor is NCBTMB approved and whether or not the course is specifically geared toward the professions of occupational therapy and physical therapy.

Ms. Clay motioned, and Ms. Johnson 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. Clay, Ms. Johnson and Mr. Seagraves.

At the conclusion of Executive Session on Friday, August 29, 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.

Applicant Interviews

1:30 PM T.L. Applicant canceled the appearance. Ms. Johnson motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to uphold the previous decision to deny licensure.

Executive Session Board Minutes Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve the June 27, 2014 executive session minutes.

Attorney General’s Report- Scott Forbes Mr. Seagraves motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the attorney general’s report to include the annual review of Board Member Liability and Ethics as presented.

1. MT130073 Mr. Seagraves motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to close the case due to insufficient evidence.

2. MT140079 Mr. Seagraves motioned to issue a letter of concern regarding unprofessional conduct for violating Board Rule 345-6-.01 (1)(c) and 2(j) and to inform the licensee that any advertisements of any services not within the scope of practice of a massage therapist in the state of Georgia must be removed or clarified within thirty (30) days of receipt of the letter. Ms. Clay seconded, and the motion carried with Ms. Johnson abstaining.

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

Disciplinary Cognizant’s Report – J. Clay Mr. Seagraves motioned, Ms. Johnson seconded and the Board voted unanimously in favor of the motion to accept the Disciplinary Cognizant Report as presented and process the following cases as indicated:

1. MT130028 Close, insufficient evidence
2. MT130078 Close, insufficient evidence
3. MT130092 Close, insufficient evidence
4. MT130086 Close, no action
5. MT140009 Refer to the Attorney General’s Office to issue a Public Cease and Desist Order with a fine of \$500 for aiding and abetting unlicensed practice.
6. MT140033 Close, insufficient evidence
7. MT140048 Close, insufficient evidence
8. MT140049 Close, no action
9. MT140050 Close, no action
10. MT140055 Close, no action
11. MT140058 Close, no action and issue licensure if all other requirements are met.
12. MT140059 Refer to Legal Services to issue a Public Consent Agreement for Reinstatement of Licensure to include a fine of \$1500 for unlicensed practice and making fraudulent representations to the Board on the application. Issue the license upon docketing and receipt of fine.
13. MT140062 Refer to the Attorney General’s Office to issue a Public Cease and Desist Order with a fine of \$500 for unlicensed practice to respondents H. S. and S. C. M. and proceed with revocation of licensure on respondent M. M. L. for aiding and abetting unlicensed practice.
14. MT140063 Close, no jurisdiction
15. MT140069 Accept the Cease and Desist Order.
16. MT140071 Refer to the Attorney General’s Office to proceed with revocation of licensure based on the respondent making fraudulent representations to the Board in obtaining a license.
17. MT140075 Refer to the Attorney General’s Office to proceed with revocation of licensure based on the respondent making fraudulent representations to the Board in obtaining a license.
18. MT140077 Refer to the Attorney General’s Office to issue a Public Cease and Desist Order with a fine of \$500 for unlicensed practice to respondents B. Q. O. and X. F. C. and proceed with revocation of licensure on respondent X. L. C. for aiding and abetting unlicensed practice.
19. MT150005 Close, no action.
20. MT150010 Refer to NCBTMB and close the case.
21. MT150012 Close, insufficient evidence.

Application Discussions

1. K. L. Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to table for further investigation.

2. D. B. Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to table for further investigation.
3. D. S. Ms. Clay motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to uphold the decision to deny licensure based on failure to meet licensure requirements as outlined in the Board Rules and send notification the North Carolina Board of Massage as presented.
4. Z. S. Mr. Seagraves motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve the inactive status request.
5. K. V. Mr. Seagraves motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to uphold the decision to deny licensure based on a failure to meet curriculum requirements as outlined in Board Rules.

Transcripts Review Applications

1. M. P. K. Ms. Johnson motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to uphold the denial based on failure to attend a board-recognized massage therapy education program as outlined in the Board Rules.
2. W. C. Mr. Seagraves motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to table pending receipt of additional information regarding educational program.

Arrests Application

1. R. H. Mr. Seagraves motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to deny licensure based on criminal history.
2. R. J. Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to deny licensure based on failure to attend a board approved school.
3. D. L. Ms. Clay motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to deny licensure based on criminal conviction. May reapply with proof of completion of criminal probation.
4. A. P. Ms. Johnson motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to deny licensure based on criminal conviction. May reapply for licensure after two (2) years of continuous, documented sobriety with proof of completion of criminal probation and submission of a mental physical examination result indicating applicant is safe to practice with reasonable skill and safety.
5. C. S. Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer to Legal Services to issue a Private Consent Agreement for Licensure with a fine of \$500 for making fraudulent representations on an application to the Board. Issue the license upon docketing and receipt of fine.
6. L. Y. Ms. Clay motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to table pending additional information regarding school compliance with Board Rules.
7. J. L. Ms. Johnson motioned to refer to the Attorney General's Office to issue a Public Consent Agreement for Licensure based on criminal history to include probation for a period no less than (two) 2 years with random drug screens, personal reports and if employed as a massage therapist, respondent must provide the employer a copy of the order and cause the submission of employer reports. Mr. Seagraves seconded, and the motion carried with Mr. Knowles abstaining.

Reinstatement Applications

1. I. B. Ms. Johnson motioned to refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/1/2012 to 05/21/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine. Mr. Seagraves seconded, and the motion carried with Mr. Knowles abstaining.
2. A. B. Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer to refer to Legal Services for Private Consent Agreement for unlicensed practice from 01/01/2011 to 12/31/2013 with a fine of \$1000. Issue the license upon docketing and receipt of fine.
3. D. H. Mr. Seagraves motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer to refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/01/2012 to 06/22/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine.
4. C. K. Mr. Seagraves motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to deny licensure based on a failure to attend a Board recognized massage therapy education program as outlined in the Board Rules.
5. J. S. Ms. Clay motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to refer to refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/01/2012 to 06/12/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine.
6. L. C. Ms. Johnson motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to rescind the previous motion to issue a Private Consent Agreement and approve for licensure if all other requirements are met.

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.

Miscellaneous

- 1. Ms. Clay motioned, Mr. Seagraves seconded and the Board voted unanimously in favor of requesting investigations to identify the counties where the majority of the complaint cases are located and for staff to obtain a list of massage therapy related cases from the Solicitor General’s Office for those jurisdictions prior to each board meeting.
- 2. Ms. Johnson motioned, Mr. Seagraves seconded and the Board voted unanimously in favor of the motion to open a complaint on applicant K. F. L. for unlicensed practice.

Board Elections 2014/2015:

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to appoint Craig Knowles as the Board Chair.

Mr. Knowles motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to appoint Jennifer Clay as the Vice Chair.

Mr. Seagraves motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to appoint Jennifer Clay as the Disciplinary Cognizant.

Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to appoint Craig Knowles as the Education Cognizant.

Ms. Clay motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to appoint Jane Johnson as the Application Cognizant.

With no further business to be discussed, the meeting was adjourned at 2:18 pm.

Minutes recorded by:	Adrienne Price, Executive Director
Minutes reviewed and edited by:	Wanda Jaffe, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on:	Approved October 31, 2014

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE _____
EXECUTIVE DIRECTOR