

GEORGIA STATE BOARD OF MASSAGE THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
October 31, 2014 * 9:00A.M

The Georgia Board of Massage Therapy met on Friday, October 31, 2014. The following members were present:

Board Members Present

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

Administrative Staff Present

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

Attorney General's Office

Scott Forbes, Assistant Attorney General

Visitors

Jean Robinson, Associated Bodywork & Massage Professionals (ABMP)
Sally Hacking, Federation of State Massage Therapy Boards (FSMTB) Director of Government Relations
Libby Eason
Linda Ellis
Jennifer Dunn

Mr. Knowles established quorum and called the meeting to order at 9:03a.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. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the August 29, 2014 open session minutes as amended.

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 August 23, 2014 – October 24, 2014.

Correspondence – Breta Stroud, International Association of Structural Integrators (IASI) – Model Practice Act

Mr. Knowles read the correspondence regarding IASI's official request to FSMTB for a collaborative effort to address regulatory language in the MPA on a national level as well as the reasons IASI object to structural integrators being subsumed into massage therapy. He then opened the floor for comments. Ms. Libby Eason expressed that from her prospective as a structural integrator; she was in agreement with the IASI's comments concerning the MPA. Ms. Eason indicated that she felt that structural integrators have subject matter experts in the field and their title should be protected rather than integrated into the scope of practice for massage therapy. The Board accepts the correspondence and Ms. Eason's comments as information and directs staff to draft a response acknowledging receipt of the information.

Correspondence – Carolyn Davis – Continuing Education Name Determination and Requirements

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to send a response letter explaining that the Board considers all aspects, title and content, of continuing education courses and programs and although a National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) provider number is a course requirement, the course may not necessarily be approved if the course content does not fall within the scope of practice of a Massage Therapy as stated in BR 345-4-.02.

Correspondence – Jeannine Reins – Scope of Practice –THOR Low Level Laser Therapy

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer the correspondence in reference to THOR Low Level Laser Therapy to the Attorney General's Office for further research the use of cold laser or low level laser therapy as it relates to the scope of practice of massage therapy.

Correspondence – Nancy W. Cruz – Scope of Practice for Massage Assistants

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to notify Ms. Cruz that one must be licensed to practice massage therapy and refer her to O.C.G.A. §43-24A..

Discussion – Federation of State Massage Therapy Boards (FSMTB) Annual Report

Ms. Johnson provided the Board with an overview of the topics discussed during the FSMTB Annual Meeting which was held in Tuscan, Arizona. She provided the FSMTB Annual Report to include the 2014 Annual Meeting Binder with the meeting Agenda and materials, the 2014 Member Board Report, the FSMTB Volunteer Application and Donation Letter and Submission Form all of which have been made available to the public on FSMTB.org. Ms. Johnson also remarked that Mr. Anthony Jusevitch spoke on the subject of human trafficking and indicated that there does not appear to be a direct correlation between the practice of massage and the criminal act of human trafficking.

Discussion – FSMTB and NCBTMB Agreement on National Examination

Ms. Johnson presented the Board with information in reference to the Federation of State Massage Therapy Boards (FSMTB) and the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) reaching an agreement that the NCBTMB will no longer provide examinations for licensure purposes. The Board accepts this report as information.

Discussion – FSMTB Model Practice Act

Ms. Johnson presented the Board with a copy of the Model Massage Therapy Practice Act and indicated it may also be downloaded from FSMTB.org. The Board accepts this documentation as information.

Discussion – Wall Street Journal – State Licensing Boards Under Fire

The Board reviewed the article in reference to whether or not licensing boards staffed with licensees who are business owners and professionals may adequately regulate their own markets without oversight from government employees as information. The Board noted that the Supreme Court decision in this case may affect the Board and accepts the article as information.

Discussion – Board Recognized Massage Therapy Education Programs

Mr. Knowles reported that all of the schools on the board recognized massage therapy programs list are currently undergoing an audit for the purpose of ensuring that each program is in compliance with the Board Rules. He indicated that the Board will be prepared to report on any approvals and withdrawals during the December 5, 2014 meeting.

Discussion – Legislation Update – J. Johnson

As the Board appointed legislative liaison, Ms. Johnson asked the members present to consider items that the Board may wish to address during 2016 legislative sessions. It was the consensus of the Board to work with stakeholders to propose legislation that will improve upon the Board's ability to monitor massage therapy education programs, consider adding the ability to deny licensure based on nolo pleas for offenses of a sexual nature and poll other stakeholders regarding the changes made to the massage therapy model practice act prior to suggesting any legislative changes based on those recommendations.

Discussion - 2015 Board Meeting Dates

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the 2015 Board Meeting Date as presented.

Rule Waiver Request – Gregory Watson

Ms. Johnson motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 345-3-.02(2)(b) as the petition fails to meet all of the statutory requirements for waivers as outlined in O.C.G.A. § 50-13-9.1.

School Cognizant's Report –C. Knowles

1. Athens Institute Massage Mr. Seagraves motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to withdraw recognition status in accordance with Board Rule 345-8-.03.

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. Ms. Price notified the Board that online renewal applications went live on August 22, 2014 and that as of October 30, 2014 only 62% have renewed their license. Ms. Price updated the Board regarding the pending agreement for a continuing education tracking system, the status of cases relevant to the FSMTB Invalidated Exam Scores list, and responses received from the Solicitor General Offices that were contacted at the request of the Board regarding massage therapy related criminal cases. The Board accepts the report as presented.

10:30 AM Sally Hacking – FSMTB Presentation

Ms. Hacking presented the Board with information in reference to her role as Director of Government Relations and indicated she is here on behalf of FSMTB to support the Boards in any way they can. She reported that roughly two (2) years ago FSMTB entered into discussions with schools, boards and other stakeholders about going to Computer Adapted Testing (CAT). Although some indicated that they were not told or didn't get the notices the schools were notified of the change. CAT administration went into effect July 1, 2014. She reported that FSMTB determined it was best to go to CAT administration because of past breaches in security of the examination. She indicated that some of the positive aspects of the format protect the integrity of the test by securing the validity of the questions but acknowledged that some of the positive aspects could be viewed as negative by some test takers. Ms. Hacking addressed the IASI letter concerning the MPA to clarify that there had been a response from FSMTB to IASI between August 25, 2014 and October 20, 2014 with regard to their objections to some of the amendments to the MPA. Ms. Hacking also commented on Ms. Johnson's overview of the topic of human trafficking which was discussed during the FSMTB Annual Report. She reported that it was the consensus of those present that human trafficking is a deplorable act that appears to be associated with massage therapy; however, there has been no statistical data or findings that reveal a direct correlation and Mr. Josevitch shared that although some schools want to consider adding human trafficking language into the curriculum he does not feel it should be associated with any profession as it could perpetuate the idea that there is a connection between the profession and the act. On behalf of the Board, Mr. Knowles thanked Ms. Hacking for coming to address the Board.

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, October 31, 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

Discussion – Terah Boyd, WSB-TV Investigative Producer Questions and Interview Request

Ms. Johnson motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to decline an interview at this time but issue a written statement to Ms. Boyd in response to her inquiry addressing the serious nature of the allegations, the minimum reasonable standards of care, the Board's jurisdiction, the investigative process, and request additional information regarding incidences alleged within the correspondence so that the Board may initiate the investigative process.

Discussion - Nick Ng - Article - Massage Therapy Board of Georgia No Longer Accepts Energy Modalities

Ms. Clay motioned, Mr. Seagraves seconded, and the Board voted in favor of the motion to notify Mr. Ng by letter that the proposes rule is not in effect thus making the title of his article erroneous.

Attorney General's Report- J. 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 as presented.

1. BR 345-8-.03 Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to rescind previous motion to amend the rule and recommend to maintain the rule as is.
2. BR 345-6-.02 Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to post as amended.

Executive Session Board Minutes

Ms. Johnson motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to approve the August 29, 2014 executive session minutes as amended.

Discussions

1. MT140079 Ms. Clay motioned, Mr. Seagraves seconded, and the Board voted in favor of the motion to refer to the Attorney General's Office to clarify what must be done to ensure compliance with the professional conduct rule and refer to the case to the Georgia Composite Medical Board. Ms. Johnson abstained.

CE Audits Ms. Johnson motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

1. F.M. Approve
2. K.D. Approve upon receipt of a detailed letter of explanation and current secure and verifiable document
3. D.D. Must submit 12 hours of in person continuing education and must submit documentation clarifying structure of course and syllabus.
4. G.G. Must submit 12 hours of in person continuing education
5. Y.H. Approve
6. C.L. Approve
7. G.L. Must submit 12 hours of in person continuing education
8. C.L. Must submit 12 hours of in person continuing education
9. M.S. Approve
10. S.Y. Approve

Applications Ms. Johnson motioned, Mr. Seagraves seconded, and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

1. V.D. Approve with a letter of concern regarding drugs.
2. A.G. Table pending receipt of transcript. If meets requirements, issue license with a letter of concern regarding criminal history.
3. A.H. Must submit a transcript documenting total clock hours; if hours meet requirements, issue license with a letter of concern.
4. M.L. Approve with a consent agreement for licensure to monitor for a period of 2 years with personal and employer reports.
5. L.Y. Table pending receipt of additional information.
6. A.Y. Approve
7. K.V. Deny licensure based on the school not having a current, unencumbered NCBTMB school code and the graduation date on the transcript is prior to the completion of program.
8. E.A. Table pending receipt of transcript, if transcript meets requirements, issue license.

Reinstatements Applications Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

9. M.A. refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/01/2012 to 10/31/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine.
10. L.C. refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/01/2012 to 09/23/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine.
11. D.H. refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/01/2012 to 09/23/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine and one (1) additional hour of continuing education.
12. K.L. Approve
13. T.M. refer to Legal Services for Private Consent Agreement for unlicensed practice from 5/11/2014 to 09/29/2014 with a fine of \$500. Issue the license upon docketing and receipt of fine and eight (8) additional hours of CE.
14. E.P. refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/01/2012 to 08/11/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine.
15. C.R. refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/01/2012 to 09/13/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine.
16. J.R. refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/01/2012 to 09/01/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine.
17. C.R. refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/01/2012 to 10/31/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine.
18. S.R. refer to Legal Services for Private Consent Agreement for unlicensed practice from 11/01/2012 to 10/22/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine.
19. M.T. refer to Legal Services for Private Consent Agreement for unlicensed practice from 10/31/2012 to 11/01/2013 with a fine of \$750. Issue the license upon docketing and receipt of fine.
20. D.Y. Deny for reinstatement based on previous history with the Board.
21. J.R. Deny for reinstatement and may reapply once all probation terms have been completed.
22. S.G. Deny for reinstatement based on previous history with the Board.

Transcript Mr. Seagraves motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

23. O.B. Deny, no NCBTMB School Provider Code
24. W.C. Deny, no NCBTMB School Provider Code

- 25. X.C. Deny, no NCBTMB School Provider Code
- 26. W.H. Deny, no NCBTMB School Provider Code
- 27. N.J. rescind previous decision to deny and issue with letter of concern regarding criminal history
- 28. R.J. rescind previous decision to deny and issue with letter of concern regarding criminal history
- 29. C.K.L. Deny, no NCBTMB School Provider Code
- 30. H.M. Table pending receipt of additional information regarding school attended
- 31. A.M. Deny, no NCBTMB School Provider Code
- 32. A.R-M Deny, no NCBTMB School Provider Code
- 33. Y.X. Deny, no NCBTMB School Provider Code
- 34. Q.Z. Deny, no NCBTMB School Provider Code

Applicant Interview

- 1. 2:00PM J.W. Ms. Clay motioned, Ms. Johnson seconded and the Board voted unanimously in favor of the motion to table for further investigation.

Cognizant’s Report – J. Clay Mr. Seagraves motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to accept the Cognizant’s Report.

- 1. MT008358 Release licensee from further quarterly reporting.
- 2. MT110073 Schedule appearance with the respondent and the Board to discuss the use of nerve mobilization technique.
- 3. MT130057 Close, lack of evidence to support unlicensed practice.
- 4. MT140004 Close, no action
- 5. MT140021 Close, lack of evidence to support unlicensed practice.
- 6. MT150007 Ms. Johnson motioned, Mr. Seagraves seconded and the Board voted unanimously in favor of the motion to refer to Attorney General’s Office for revocation of licensure; Mr. Knowles abstained.
- 7. MT150018 Close, no action
- 8. MT150029 Ms. Clay motioned, Mr. Seagraves seconded and the Board voted unanimously in favor of the motion to flag for CE audit.

School Cognizant’s Report –C. Knowles

- 1. MT140064 Mr. Seagraves motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer case to Attorney General’s Office regarding whether or not the effective date of the withdrawal may be the date the respondent fell out of compliance or must it be the date of the vote, and to determine if the Board is obligated to accept the respondent’s applicants within the timeframe between the date the respondent fell out of compliance and the date of the vote.

Miscellaneous

Due to the receipt of some applications with limited educational information, it is the consensus of the Board to include in the application instructions the requirement that an official transcript must be submitted with applications for initial licensure and licensure by endorsement.

With no further business to be discussed, the meeting was adjourned at 3:01 pm.

Minutes recorded by: Tamara Elliott, Board Support Specialist
Minutes reviewed and edited by: Wanda Jaffe, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: December 5, 2014

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR