

GEORGIA STATE BOARD OF MASSAGE THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
February 27, 2015 - 9:00A.M

The Georgia Board of Massage Therapy met on Friday, February 27, 2015. The following members were present:

Board Members Present

Craig Knowles, Chair
Jennifer Clay, Vice Chair
Jane Johnson, Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Tamara Elliott, Board Support Specialist
Kathy Osier, Licensing Supervisor

Attorney General's Office

Scott Forbes, Assistant Attorney General

Visitors Present

Jennifer Dunn
Matt Keels
Tina Hornoff
Andrew Morgan
David Koonce
Traci Singley
Corey B. Freeman
Pamela Lohr Hendrix
Suzy Compere
Sharon R. Remaly
Daniel Risco

OPEN SESSION

Call to Order Mr. Knowles established quorum of the Board was present and called the meeting to order at 9:05a.m.

Agenda Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the agenda as amended to add Board Rule 345-6-.02 Scope of Practice of Massage Therapy Students Rule Hearing and Discussion of the school audit form.

Open Session Minutes

- a) **December 05, 2014 Board Meeting** Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve the December 5, 2014 open session minutes.
- b) **January 06, 2015 Teleconference** Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the January 6, 2015 open session teleconference minutes as amended.
- c) **January 28, 2015 Teleconference** Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the January 28, 2015 open session teleconference minutes as amended.

Licenses to Ratify December 2, 2014 – February 23, 2015

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the ratified list of licenses issued December 2, 2014 – February 23, 2015.

Correspondence – L. Jeanine Reins – THOR

The topic of THOR remains tabled pending further research.

Discussion – Board Rule 345-4-.02 Continuing Education Hours

Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to refer BR 345-4-.02 as presented to the Attorney General's Office for a memorandum of authority and if no objections noted, post the rule for a hearing.

345-4-.02 Continuing Education Hours. Amended.

(1) Every massage therapist licensed pursuant to this chapter shall be required to complete a minimum of twenty-four (24) continuing education (CE) hours through an approved provider related to the practice of massage therapy as a condition for renewing his or her license for each biennium renewal expiration date except as otherwise provided for in this chapter.

~~(a)~~(A) 12 of the total 24 CE Hours must include direct hands-on supervised instruction; and

~~(b)~~(B) The remaining 12 CE Hours may include direct hands-on supervised instruction or other massage therapy related CE hours.

~~(c)~~(C) CE Hours for renewal must be obtained during the two year renewal cycle beginning November 1st through October 31st of the two year licensure period.

~~(d)~~(D) Failure to obtain the required CE Hours within the two (2) year licensure period shall result in the Board taking disciplinary action and imposing a fine, including but not limited to, the following:

~~1.~~(i) Public Reprimand and fine of \$500 and,

~~2.~~(ii) Deficient CE Hours must be obtained within two (2) months of the date of notification by the Board of the deficient CE Hours. These CE hours may NOT be used to satisfy the CE requirement of any subsequent renewal cycle.

~~3.~~(iii) Falsification of a renewal application affidavit of having obtained the required CE Hours shall result in the Board taking the disciplinary actions noted above (#'s 1 & 2), and, any future incidents may result in additional disciplinary actions up to, and possibly including, revocation of a license to practice massage therapy in Georgia.

(2) Approved providers for Continuing Education may be found on the National Certification Board for Therapeutic Massage and Bodywork website at www.ncbtmb.org. Licensees do not have to be nationally certified by NCBTMB to access the NCBTMB continuing education providers. The Board only accepts those Continuing Education Providers assigned a provider code number by NCBTMB.

(3) Beginning the November 1, 2014 through October 31, 2016 biennium and thereafter, persons licensed to practice as a massage therapist or who shall file an application to practice as such in this state are to maintain a record of completed continuing education courses and experiences by registering with an online recording and reporting system approved by the Board.

(A) For the purposes of this requirement, the Georgia Board of Massage Therapy adopts the utilization of the CE Broker, Inc.

(B) Licensees and applicants shall incur no additional costs from CE Broker, Inc. for this service.

(C) Every licensee or applicant subject to the rules of the Georgia Board of Massage Therapy shall be deemed to have given such person's consent to the Board and its representatives to access their continuing competence record retained within the online database for the purposes of auditing and verifying completion of the Board's continuing competency requirements. Such person waives all objections to the admissibility of the record in any proceedings or hearings before the Board.

~~(3)~~(4) The Board may consider a waiver or variance of the requirement of CE hours for licensees who can provide acceptable proof of a verifiable illness, disability or hardship that substantially affected their ability to obtain the required CE hours during the prior biennium renewal period through submission to the board of a completed, signed waiver/variance request form *prior* to the biennium renewal expiration date of October 31st of every even numbered year.

~~(4)~~(5) An applicant who is licensed **during the second year** of the biennium renewal period shall only be required to provide 12 hours of continuing education (CE) hours through an approved provider for that renewal period.

~~(a)~~(A) 6 of the total 12 CE Hours must include direct hands-on supervised instruction; and,

~~(b)~~(B) The remaining 6 CE Hours may include direct hands on supervised instruction or other massage therapy related CE hours.

~~(5)~~(6) An applicant having graduated from a Board recognized approved massage therapy education program within one year of their application date shall be exempt from continuing education requirements for their initial biennium renewal period only.

~~(6)~~(7) An applicant for reinstatement of a lapsed or revoked license must show along with their completed application and fee payment that they have taken the required twenty-four (24) hours of continuing education, in accordance with this rule, within one (1) year of the date of their reinstatement application to the board.

(8) The continuing education hours used for the reinstatement of a license cannot be used to meet the continuing education hours required for the biennium during which the license was reinstated.

(9) Each licensed massage therapist shall maintain records of attendance and supporting documents for continuing education for a period of three (3) years from the date of attendance.

(10) Reporting and Auditing:

~~(a)~~(A) Upon applying for license renewal, each massage therapist shall certify to the Board that he/she has completed the continuing educational hours required for license renewal. The method of reporting and auditing continuing education shall be as stated in this Rule.

~~(b)~~(B) The Board may direct the staff to audit a percentage of randomly selected active renewing licensees, as determined by the Board, for compliance with continuing education requirements. Documentation of completed

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

1(i). Attendance and participation at a live presentation such as a workshop, seminar, conference or direct hands-on client care educational program: A certificate of completion or similar documentation that includes a massage therapist license number and the approved provider's number, signed or verified by a program official, and a program or course description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule.

2(ii). Lectures and Multi-Media Courses: For lectures, a certificate of completion, or similar documentation, including a massage therapist license number and the approved provider's number, signed or verified by a 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 internet courses.

3(iii). Correspondence Courses: A certificate of completion or similar documentation, including a massage therapist license number and the approved provider's number signed or verified by a program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule.

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

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

(b) A program description including sponsor, course title, date, program objective or learning outcomes, and description of program content.

Authority: O.C.G.A. §§ 43-24A-20, 43-1-1, 43-1-31, 43-24A-1, and 43-24A-24.

Discussion – Continuing Education Fine Scale Policy XV

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to table the discussion and appoint Ms. Johnson to review the proposed amendment to policy XV and prepare a revised policy for review at the next meeting.

Discussion – Marcia Mann, CE Broker

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to appoint Mr. Knowles and Ms. Johnson to review and develop a policy for continuing education providers to follow in relation to the use of CE Broker.

Discussion – Massage Therapy Foundation –Running for Research

The Board accepts the correspondence as information and directs staff to draft a thank you response to include information that Board cannot sponsor individuals.

Discussion – Pamela Lohr Hendrix – Push for Legislative Changes to Update and Amend O.C.G.A. § Section 43-24A-8(b)(7) Licensure of Massage Therapists; Application and Requirements

Ms. Hendrix, Attorney for the Estate of Heather Ann Koepfel, addressed the Board regarding correspondence she forwarded to representatives of the Georgia General Assembly to request sponsorship for legislation to update and amend the Massage Therapy Practice Act to strike language referencing the licensing examination offered by National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) from the statute. Mr. Knowles, Board Chair, informed Ms. Hendrix and the visitors present that although NCBTMB is no longer offering testing for initial licensure, there will always be applicants who did in fact take and pass that test and if it is stricken from the statutes or the rules those individuals, to include the majority of the licensed massage therapists in the room, would not be eligible for licensure in this state. Ms. Price, Executive Director, offered that in addition to Mr. Knowles' point, the statute also includes language that allows the Board to accept equivalent tests or other examinations and those options are further clarified in the Board Rules. Ms. Johnson, Board Member, informed Ms. Hendrix that the Board is currently reviewing the statute and working toward drafting legislation to address some of the needs of the profession. Each Board Member thanked Ms. Hendrix for her input and accepts her correspondence as information.

Discussion – Pamela Lohr Hendrix – Request for the Board to consider Amending BR 345-8-03

The Board reviewed the correspondence for the record and entered into a discussion with Ms. Hendrix and the visitors present about the agreement between National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) and the Federation of State Massage Therapy Boards (FSMTB). Ms. Hendrix inquired as to the reason the Board would allow an organization in Illinois to certify Georgia programs. Mr. Knowles, Board Chair, further clarified that the agreement will allow NCBTMB to focus on certification programs and services that will lead to a more standardized profession while allowing FSMTB to focus on the integrity of the entry-level licensing examination. He noted that

since the Board can only recognize massage therapy educational programs, it is important that those programs have an additional level of accountability for that which they are teaching and that added level of accountability further protects the public. Executive Director Price also offered that the use of a certifying body located outside of the state is common to many professions as the national organizations have the ability to monitor trends which may further enhance or be a detriment to the profession on a local, national and global scale. She used the National Council of State Boards of Nursing as (NCSBN) as an example. The visitors present to include Mr. Matt Keels, Ms. Traci Singley were able to comment on their experience with NCBTMB as well as the rule in question. It was the consensus of the Board and the visitors present that additional information may be needed to further education the public of the role of NCBTMB as well as the board rules as it pertains to the Board recognition of massage therapy programs. Ms. Hendrix thanked the Board for taking the time to review her questions. The Board accepts the correspondence as information and directed Mr. Knowles and Ms. Price to contact NCBTMB to request that a representative come and update the Board on their processes.

Open Records Request – Helen Schelper

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to release the application file and notify the licensee that either MBLEx or the Non-public Postsecondary Education Commission (NPEC) would also maintain transcript information once a school has closed.

Open Records Request – Ruby Darlene Evans

Ms. Johnson motioned and Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the release of records to Detective Holly Griggs of the Hogansville Police Department.

Petition Waiver –BR 345-4-.02 - Nanci Brady Weir

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 345-4-.02 due to insufficient demonstration of a substantial hardship.

Petition Waiver –BR 345-8-.01(f) – Terri Faison

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to grant the petition for waiver Board Rule 345-8-.01(f).

Board Chair’s Report – C. Knowles

Mr. Knowles indicated that he had nothing to report at this time.

Executive Director’s Report – A. Price

Executive Director’s report presented the Board with statistical data relevant to the processing of applications, renewals and complaints/compliance. Ms. Price presented the Board with an update on the North Carolina Board of Dental Examiners vs. Federal Trade Commission case, noting that the Supreme Court ruled in favor of the Federal Trade Commission and potential implications for the Boards. She reviewed the status of pre-filed bills in the Georgia General Assembly and reminded the Board Members to the annual filing requirements with the Georgia Government Transparency and Campaign Finance Commission. The Board accepts the report as presented. Ms. Price also updated the Board on the status of the CE Broker contract for the tracking of continuing education requirements and further reiterated the need to develop additional policies to address the audit process.

Late Agenda Discussions

BR 345-8-.02 Faculty Requirements Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer the proposed amendments to BR 345-8-.02 to the Attorney General’s Office for a memorandum of authority and if no objections, vote to post.

345-8-.02 Faculty Requirements. Amended.

(1) In order to be a Georgia Board recognized massage therapy education program, the program must have a faculty that consists of a sufficient number of full and part-time instructors to ensure that the educational obligations to the student are fulfilled. Lab, clinical and community course core (lead) faculty must demonstrate competence in their respective areas of teaching as evidenced by a minimum of 2 years or 2000 hours of experience in their field. Faculty instructor(s) shall hold a current state license, if a state license is required to practice massage therapy in that state. Human sciences course core (lead) faculty (anatomy, pathology, physiology) [is not required to hold a massage therapy license; however, the faculty member](#) must demonstrate competence in their respective areas of teaching as evidenced by a minimum of 2 years or 2000 hours experience in their field and/or by appropriate degrees/certificates from approved colleges/schools/institutions.

[\(2\) All program faculty members must teach at the physical address which has been provided to the Board on the program’s application to become a board recognized massage therapy education program.](#)

[\(3\) The Board must be notified of any program faculty changes within ten \(10\) days of the date the change becomes effective.](#)

(24) If a school utilizes faculty assistants, in order to be a Board recognized massage therapy education program, it shall establish and maintain policies that set forth qualifications, duties and procedures for use of these personnel. Faculty assistants shall not be used as substitutes or replacements for regular faculty; shall not be responsible for the overall evaluation of any student; and shall work under the direct supervision of approved faculty. Faculty assistants shall hold a current license, if a license is required to practice massage therapy in that state.

(35) In order to be a Georgia Board recognized massage therapy education program, the ratio of students to faculty in the lab/clinical/community area shall not exceed 20 students to 1 instructor with no more than 10 student therapists and 10 students serving as clients. Lecture classes are not subject to this ratio.

(46) When student clinical practice is being performed on the general public, the supervising clinical faculty instructor(s) shall hold a current Georgia massage license.

Authority: O.C.G.A. Secs. 43-1-24, 43-1-25, 43-24-8, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-13, 50-13-3. History. Original Rule entitled "Faculty Requirements" adopted. F. Jan. 10, 2007; eff. Jan. 30, 2007. Repealed: New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009. Amended: F. Feb. 27, 2012; eff. Mar. 18, 2012.

Authority: O.C.G.A. Secs. 43-1-24, 43-1-25, 43-24-8, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-13, 50-13-3. History. Original Rule entitled "Faculty Requirements" adopted. F. Jan. 10, 2007; eff. Jan. 30, 2007. Repealed: New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009. Amended: F. Feb. 27, 2012; eff. Mar. 18, 2012.

Ms. Johnson motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Miscellaneous

a) Discussion – Continuing Education Reporting

Ms. Johnson requested that the Board consider reviewing the continuing education reporting and auditing process in order to ensure that the information submitted on CE certificates is consistent as it pertains to the amount of lecture that is received in a hands-on course. She also requested the Board consider if it should continue to use the term "hands-on" versus the term "live" as it relates to CE since the Board has opted to use CE Broker to house CE documentation for licensees in Georgia. Ms. Johnson referred to the Florida Massage Therapy Board's rules as it relates to CE as an example of how the Board may further define the continuing education experience within the current rules. It was the consensus of the Board that there is always a lecture component in any hands-on course therefore credit will be given to the licensee in accordance to how the provider documents the information on the certificate of completion. Ms. Price offered that the Georgia model for CE Broker will use the terminology that is consistent with the Board's rules and policies as a result the use of CE Broker does not necessitate a change in the terminology currently used.

b) Discussion – Reorganization of CEUs by NCBTM

Ms. Johnson motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to invite NCBTMB the next Board meeting to present information regarding their requirements for being a NCBTMB Approved Instructor and/or a NCBTMB Approved Course.

c) Discussion – School Audit Form

The Board allowed for Matt Keels, Traci Singley and Jennifer Dunn to share their experience with the 2014 school audit process as they were representatives of Augusta School of Massage, Georgia Career Institute, and Helms Career Institute. It was suggested that the Board provide a pre-audit checklist to the schools and somehow condense the application. The Board considered the suggestions. Ms. Johnson motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to appoint Ms. Johnson to develop further develop the current school audit form and process for the Board to consider at the next meeting.

d) Discussion – Helms Career Institute

Mr. Knowles reviewed the additional documentation submitted by Helms Career Institute regarding a change in curriculum. Mr. Knowles informed Ms. Dunn that the transcript is to be updated with a date of birth and social security number and show a breakdown of which courses include what portion of the pathology component. He indicated that a more thorough review will be conducted of the materials and Ms. Dunn will be notified of the result.

9:30a.m. Public Rules Hearing Board Rule

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF MASSAGE THERAPY CHAPTER 345-6, PROFESSIONAL AND UNPROFESSIONAL CONDUCT, RULE 345-6-.02, SCOPE OF PRACTICE OF MASSAGE THERAPY STUDENTS

Purpose: The purpose is to formulate a rule that provides guidelines for massage therapy students.

Main Features: The rule states the enrollment requirement, defines the title and compensation requirements, and sets out training standards applicable to education programs and their instructors.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA BOARD OF MASSAGE THERAPY CHAPTER 345-6, PROFESSIONAL AND UNPROFESSIONAL CONDUCT, RULE 345-6-.02, SCOPE OF PRACTICE OF MASSAGE THERAPY STUDENTS

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

345-6-.02 Scope of Practice of Massage Therapy Students

1) A person pursuing a course of study leading to a degree or certificate as a massage therapist in an educational program recognized by the board may engage in the practice, services, or activities of massage or massage therapy when such person is:

A) Actively enrolled in a massage therapy program or school ~~approved~~ recognized by the Board;

B) Designated by title indicating student status and shall not represent themselves as a massage therapist or massage practitioner;

C) Fulfilling uncompensated work experiences required for the attainment of the degree or certificate. For the purpose of this rule “uncompensated” means a person in student status may not intentionally or knowingly agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, in the form of payments, gifts, tips, remuneration, recompense, or rewards to or from any person or entity for services rendered while in student status;

2) The primary responsibility for the services provided for clients by the designated student rests with the licensed massage therapist supervisor or other authorized instructor.

3) Documentation of all services for clients and treatment plans must be reviewed and approved by the licensed massage therapist supervisor.

Authority of O.G.G.A. §§ 43-1-25, 43-24A-19(2), 43-24A-3(4)

Public Comments made by the following:

1. Andrew Morgan inquired as to whether or not the issuance of a diploma would be considered as a degree. In response, Mr. Knowles indicated that it would be.
2. Matt Keels noted that since the statute states that the Board does not approve but recognizes schools, should recognized be stricken from this rule. It was the consensus of the Board that the word should be stricken and replaced with the word recognized.

Ms. Johnson motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to adopt the 345-6-.02 proposed amendment as edited.

Ms. Johnson motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

The Rule Hearing adjourned at 10:40am.

Ms. Johnson motioned, and Ms. Clay 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, and Ms. Johnson

At the conclusion of Executive Session on Friday, February 27, 2015, 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

10:00A.M Applicant Hearing

MT140015 Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to accept the cease and desist in lieu of proceeding with a hearing in this matter and close the case.

Executive Minutes

a) December 05, 2014 Board Meeting Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve the December 5, 2014 executive session minutes.

- b) **January 28, 2015 Teleconference** Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve the January 28, 2015 executive session teleconference minutes as amended.

Attorney General's Report- J. Scott Forbes Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the Attorney General's Report as presented.

1. MT140071 Close Case
2. MT150007 Close Case
3. MT140075 Close the case in the Attorney General's Office and refer to investigations to obtain additional information as suggested in the memorandum. Upon completion of investigation refer investigative file and cases MT110117, MT130085 to include minutes from the September 20, 2013 meeting highlighting the relevant actions taken to the Attorney General's Office to proceed with revocation in this case.
4. MT140064 Close the case in the Attorney General's Office and refer Board Rule 345-8-.03 to the Education Cognizant and Executive Director to propose changes to the rule to further define the penalties for noncompliance.

Cognizant's Report – J. Clay Ms. Johnson motioned, Mr. Knowles seconded, and the Board voted unanimously in favor of the motion to accept the Cognizant's report as presented.

1. MT140054 Close case, no action
2. MT150009 Refer to investigations to determine the relationship between the licensee and the establishment and issue C&Ds to respondents that engaged in or aided and abetted unlicensed practice. MT150013 Close case, no action
4. MT150015 Close case, no action
5. MT150020 Issue a Private Consent Agreement for licensure with a fine of \$100.00 to respondent A.A.L. for unlicensed practice should the respondent meet all the requirements for licensure. If the respondent does not meet the requirements for licensure, issue a cease and desist order for unlicensed practice.
6. MT150022 Close case, no action
7. MT150034 Close case, no action
8. MT150037 Close case, no action
9. MT150058 Close case, no action
10. MT150065 Refer to the Attorney General's Office for a Hearing for Revocation of Licensure

Ms. Johnson motioned, Mr. Knowles seconded, and the Board voted unanimously in favor of the motion to ratify the following list of consent orders issued per board rules and policies between meetings:

1. MT009179 Public Consent Order for renewal of license
2. MT005974 Public Consent Order for renewal of license
3. MT008907 Public Consent Order for renewal of license
4. MT006867 Public Consent Order for renewal of license
5. MT006495 Public Consent Order for renewal of license
6. MT009067 Public Consent Order for renewal of license

Open Records Request

1. J.I. Ms. Johnson motioned, Mr. Knowles seconded, and the Board voted unanimously in favor of the motion to release certificates from case MT150083 to NCBTMB.

Request for Reconsideration Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session

1. A.M.S. Refer to Legal Services for a Private Consent Agreement for Licensure with a fine of \$750.00 for unlicensed practice from 11/01/2012 to 10/20/2014. A minimum payment of \$75.00 must be paid before the first of each month for next ten months with the first payment being due by 05/01/2015. A failure to do so will result in revocation of the license. Select for CE audit during the next renewal cycle.
2. O.B. Uphold the previous decision to deny licensure
3. L.C. Uphold the previous decision to deny licensure
4. X.C. Table and send open records request to NCBTMB requesting a certified copy investigation into this applicant's massage therapy education program.
5. D.H. Uphold the previous decision to issue a Private Consent Agreement for Reinstatement of Licensure
6. X.F. Uphold the previous decision to deny licensure based on the massage therapy program not possessing a NCBTMB School Provider Number at the time the applicant graduated from the program.
7. I.R.B. Uphold the previous decision to issue a Private Consent Agreement for Reinstatement of Licensure
8. J.W. Uphold the previous decision to issue a Private Consent Agreement for Reinstatement of Licensure

9. C.K. Notify the applicant to apply by Endorsement
10. K.G. Uphold the previous decision to issue a Private Consent Agreement for Reinstatement of Licensure
11. M.F.A. rescind the previous motion and issue license
12. P.A.L. Refer to Legal Services for a Private Consent Agreement for Reinstatement of Licensure with a fine of \$750.00 for unlicensed practice from 11/01/2012 to 10/09/2014. A minimum of \$75.00 must be paid before the first of each month for the next ten months with the first payment being due by 05/01/2015. A failure to do so will result in revocation of the license. Select for CE Audit during the next renewal cycle.

School Cognizant's Report –C. Knowles

MT150090 Open an investigation regarding fraud/misrepresentation of transcripts. Verify that respondent completed the massage therapy program at this school. Send copies of transcript to NCBTMB to determine if that which was submitted to them by the program is that which has been submitted to the Board. Hold all applications for licensure with transcripts from the school in question until completion of the investigation. Investigate further as appropriate.

Applications for Board Review

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

1. Y.H. Refer to Legal Services for a Public Consent Order for with a fine of \$500 for failure to comply with BR 345-4-.02, select for CE audit during next renewal cycle.
2. G.W. Table application pending review of file from the Florida State Board regarding the relinquishment of the license in that state

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

1. Y.T. Refer to Legal Services for a Public Consent Agreement for Licensure with a fine of \$1000 for making a false statement on the application and engaging in unlicensed practice from 11/01/2012 to 08/11/2014. Issue the license upon docketing and receipt of fine.
2. J.R. Issue license with a letter of concern regarding standard of care
3. B.J. Refer to Attorney General's Office for a Public Consent Agreement for Licensure with probation until December 31, 2016 to include quarterly personal, employer and aftercare reports to include random drug screening. Issue the license upon docketing.
4. M.W. Refer to the Attorney Generals' office to schedule a hearing regarding license denial of licensure
5. X.Y. Refer to legal services for a Public Consent Agreement for Licensure with a \$500 fine for making a false statement on the application .Issue the license upon docketing and receipt of fine.
6. L.Y. Table pending receipt of a certified copy of the final disposition of criminal case
7. G.S. Issue license with a letter of concern regarding conduct

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

1. A.T. Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a fine of \$500 for failure to comply with BR 345-4-.02, CEs submitted for renewal cannot be used for future renewal cycles and select for CE audit for the next renewal cycle. Issue the license upon docketing and receipt of fine.
2. A.S. Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a fine of \$1000 for making a false statement on the application and failure to comply with BR 345-4-.02, CEs submitted for renewal cannot be used for future renewal cycles and select for CE audit for the next renewal cycle. Issue the license upon docketing and receipt of fine.

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

1. A.M. Rescind the previous motion and issue license

Reinstatements 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

1. J.J.B. Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$100 for unlicensed practice from 10/31/2012 to 12/03/2012. Issue the license upon docketing and receipt of fine
2. J.R.B. Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$1000 for unlicensed practice from 10/31/2012 to 12/03/2014 . Issue the license upon docketing and receipt of fine

3. S.C. Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$200 for unlicensed practice from 11/01/2012 to 12/31/2012. Issue the license upon docketing and receipt of fine
4. R.D. Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$1000 for unlicensed practice from 10/31/2012 to present. Issue the license upon docketing and receipt of fine
5. M.D. Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$300 for unlicensed practice from 09/26/2014 to 01/07/2015. Issue the license upon docketing and receipt of fine
6. C.E. Table and refer to investigations for unlicensed practice
7. D.F. Table pending receipt of job description and contract with employer
8. M.R.F. Table and refer to investigations for unlicensed practice
9. J.G. Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with a fine of \$100 for unlicensed practice from 10/31/2014 to 12/31/2014. Issue the license upon docketing and receipt of fine
10. M.G. Refer to legal services for a Public Consent Agreement for reinstatement for unlicensed practice from 2014 to present with a fine of \$1000. Issue the license upon docketing and receipt of fine
11. S.H. Refer to legal services for a Public Consent Agreement for reinstatement for unlicensed practice from 10/31/2014 to 11/04/2014 with a fine of \$500. Issue the license upon docketing and receipt of fine
12. C.M. Refer to legal services for a Public Consent Agreement for reinstatement for unlicensed practice from 11/01/2014 to 01/21/2015 with a fine of \$300. Issue the license upon docketing and receipt of fine
13. A.S. Refer to legal services for a Public Consent Agreement for Licensure with a fine of \$800 for falsifying the application and unlicensed practice from 10/31/2014 to 01/06/2015. Issue the license upon docketing and receipt of fine. Refer a case against the applicant's employer to the Attorney General's Office for a Public Consent Order for aiding and abetting unlicensed practice
14. E.U. Refer to legal services for a Public Consent Agreement for reinstatement for unlicensed practice from 10/31/2012 to 10/31/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine
15. D.W. Table pending receipt and review of a notarized statement from the centers where the applicant volunteers which states whether or not the applicant is compensated for services, the list of services and duties the applicant provides and a statement as to whether or not the applicant is identified as a massage therapist
16. A.Y. Refer to legal services for a Public Consent Agreement for reinstatement for unlicensed practice from 10/31/2012 to 10/22/2014 with a fine of \$750. Issue the license upon docketing and receipt of fine.

Renewal

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

1. T.W. Renew and notify the licensee of requirement to provide the Board with a certified copy of the final disposition of the case and that the Board reserves the right to implement sanctions if deemed necessary..
2. R.M.S. Refer to the Attorney General's Office for a Public Consent Order to include probation until December 31, 2016 with quarterly personal, employer and aftercare reports which includes random drug screens, issue license upon docketing.
3. W.T. Refer to the Attorney General's Office for a Public Consent Order tracking the terms of the criminal probation.
4. N.O. Lapse license for failure to submit documentation as required to complete the renewal process.

Transcripts

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

1. S.J. Issue license
2. M.K. Table pending receipt of a transcript in clock hours
3. X.H. Table pending outcome of the investigation into the applicant's massage therapy program
4. X.S. Deny licensure based on invalidation of MBLEX scores
5. Y.W. Table pending outcome of investigation into the applicant's MBLEX scores. Refer to MBLEX for validation of school attended on score report. Require applicant to obtain an official transcript in clock hours.
6. F.H. Deny licensure based on invalidation of MBLEX scores
7. B.J. Table and refer to NCBTMB and the Florida Board of Massage Therapy regarding educational program approval
8. S.J. Issue license
9. Y.L. Deny licensure based on submission of false documentation to the Board
10. F. L. Deny licensure based on invalidation of MBLEX scores
11. X.L. Deny licensure based on attendance to a school with no NCBTMB School Provider Number

- 12. F. L. Deny licensure based on attendance to a school with no NCBTMB School Provider Number
- 13. R.O. Refer to Legal Services for a Public Consent Agreement for Licensure with a fine of \$500 for submitting false information on the application. Issue the license upon docketing and receipt of fine.
- 14. F.P. Table and contact California Massage Therapy Council regarding validity of educational program
- 15. B.P. Deny licensure based on attendance to a school with no NCBTMB School Provider Number
- 16. A.R. Deny licensure based on attendance to a school with no NCBTMB School Provider Number
- 15. T.S. Deny licensure based on attendance to a school with, no NCBTMB School Provider Number
- 16. B.S. Deny licensure based on attendance to a school with, no NCBTMB School Provider Number
- 17. J.S. Table pending further investigation
- 18. C.W. Table and contact California Massage Therapy Council regarding validity of educational program
- 19. D. W. Table and contact California Massage Therapy Council regarding validity of educational program
- 20. D. W. Table pending further investigation
- 21. H.W. Deny licensure based on attendance to a school with no NCBTMB School Provider Number
- 22. S.W. Deny licensure based on attendance to a school with no NCBTMB School Provider Number and does not meet GA requirements 345-8-.01
- 23. S.Z. Table and contact California Massage Therapy Council regarding validity of educational program
- 24. R.Z. Table and contact California Massage Therapy Council regarding validity of educational program
- 25. Y.Z. Table pending further investigation

Miscellaneous

Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion Release all application and investigative files relevant to the respondent of Case MT140064 to the Non-Public Postsecondary Education Commission (NPEC) with a request for an investigation.

Adjournment With no further business to be discussed, the meeting was adjourned at 6:32pm

Minutes recorded by: Tamara Elliott, Board Support Specialist
Minutes reviewed and edited by: Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: April 24, 2015

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR