

GEORGIA STATE BOARD OF MASSAGE THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
April 24, 2015 - 9:00A.M

The Georgia Board of Massage Therapy met on Friday, April 24, 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

Aric Rhue
Deanya Coakley
Josh Rhue
XiuQing Barker
Suzy Compere
Charles Bruce Capps

Call to Order Mr. Knowles established a quorum was present and called the meeting to order at 9:03a.m.

OPEN SESSION

11:00 A.M Applicant Hearing - Affiong Okon

Mr. Okon did not appear at the hearing. Attorney General Scott Forbes presented proposed settlement cease and desist with a \$500 fine to be paid within 30 (thirty) days from the date of order. Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the order and close case.

Agenda The Board accepts the agendas presented.

Open Session Minutes

February 27, 2015 Board Meeting

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the February 27, 2015 open session minutes as amended.

March 18, 2015 Teleconference

Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve the March 18, 2015 open session teleconference minutes as amended.

March 31, 2015 Teleconference

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the March 31, 2015 open session teleconference minutes as amended.

Licenses to Ratify February 24, 2015-April 17, 2015

Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve the ratified list of licenses issued February 24, 2015- April 17, 2015 as amended to remove the sample applicant Jane Doe.

Correspondence – Vic Roberts-Request for Approval of Online MT Program

Ms. Johnson motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to send a response letter to the respondent explaining that the State does not have any online approved programs.

Discussion – 345-4-.02 Continuing Education Hours

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

(1) ~~As a condition for renewing his or her license for each biennium, E~~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 ~~through an approved provider: as a condition for renewing his or her license for each biennium renewal expiration date~~ except as otherwise provided for in this chapter.

- (a) Twelve (12) of the total twenty-four (24) CE Hours must include direct hands-on supervised instruction; and
(b) The remaining twelve (12) CE Hours may include direct hands-on supervised instruction or other massage therapy related CE hours.

(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) For the purposes of this rule the hands-on course must include seventy percent (70 %) of hands-on experience/demonstration in order to qualify as direct hands-on supervised instruction.

~~(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. Public Reprimand and fine of \$500 and;~~

~~2. 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. 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 must have a current NCBTMB Continuing Education Provider Number and shall provide information on course attendance to CE Broker. Licensees may be found locate an approved provider on the National Certification Board for Therapeutic Massage and Bodywork website at www.ncbtmb.org. Licensees do not have to be ~~nationally-board~~ 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.

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

(3)(5) 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)(6) 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) 6 of the total 12 CE Hours must include direct hands-on supervised instruction; and,

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

(5)(7) 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)(8) 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.

(9) CE Hours submitted for the reinstatement of a license may not be submitted to satisfy the CE requirements for the renewal of the license.

~~(7) 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.~~

~~(8) Reporting and Auditing:~~

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

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

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

Authority O.C.G.A. Secs. 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14, 43-24A-17, 43-24A-20, 50-13-3 43-24A-14, 43-34A-20, 50-13-3. **History.** Original Rule entitled "Continuing Education Hours" adopted. F. July 5, 2007; eff. July 25, 2007. **Repealed:** New Rule of same title adopted. F. Mar. 9, 2009; eff. Mar. 29, 2009. **Repealed:** New Rule of same title adopted. F. Nov. 3, 2010; eff. Nov. 23, 2010. **Amended:** F. Feb. 27, 2012; eff. Mar 18, 2012.

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

Ms. Clay motioned, Ms. Johnson 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.

Discussion – 345-4-.02(a) Reporting and Auditing of Hours

345-4-.02(a) Reporting and Auditing of Hours.

(1) At the time of license renewal, each licensee shall certify to the Georgia Board of Massage Therapy that he/she has completed the continuing education (CE) hours required with the two year licensure period for license renewal.

(2) The staff of the State Examining Boards shall audit the continuing education of licenses at a percentage determined by the Board, randomly selected, in the state per biennium for compliance with all rules and regulations.

(3) A licensee shall be subject to disciplinary action to include a Public Reprimand, consisting of but not limited to, a fine of \$500 per violation and a requirement that any deficient CE Hours be obtained within two (2) months of the effective date of the Public Reprimand should it be determined that the licensee:

1. Failed to obtain the required CE Hours within the two (2) year licensure period; or,

2. Falsely certifies that he/she has completed the continuing education requirement for renewal in accordance with Board rules; or,

3. Failed to register and ensure all CE Hours are recorded within an online recording and reporting system approved by the Board.

(4) The CE hours used to satisfy the terms of a Public Reprimand may NOT be used to satisfy the CE requirement of any subsequent renewal cycle.

(5) Any future incidences may result in additional disciplinary actions up to, and possibly including, revocation of a license to practice massage therapy in Georgia.

(6) In addition to recording CE Hours with an online recording and reporting system approved by the Board, each licensed massage therapist shall be responsible for maintaining records of attendance and supporting documents for continuing education for a period of four (4) years (two renewal cycles).

(7) 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. 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. 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. 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. Formal self study, viewing of videotapes in a professional setting, satellite broadcasts, or computer learning activities. Documentation must include:
- (i) Verified instructional time by the course sponsor, a certificate of completion or similar documentation that is signed or verified by program official; and
- (ii) A program description including sponsor, course title, date, program objective or learning outcomes, and description of program content.

Authority O.C.G.A. Secs. 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14, 43-24A-17, 43-24A-20, 50-13-3 43-24A-14, 43-34A-20, 50-13-3.

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 345-4-.02(a) to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

Ms. Clay motioned, Ms. Johnson 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.

Discussion – FSMTB & NCBTMB Joint Statement

The Board accepts the correspondence in reference to FSMTB and NCBTMB statements as information.

Discussion – Massage Therapy Education Program Audit Form

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the MT Education Program Audit Form as presented.

Notification to the Board – BR 345-4-.03

The Board accepts the Staff's correspondence in reference to Board Rule notification update as information.

Notification to the Board – BR 345-4-.05

The Board accepts the Staff's correspondence in reference to Board Rule notification update as information.

Petition Waiver –BR 345-5-.01 (f) – Alicia Viola

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to deny the petition for variance of Board Rule 345-5-.01(f) due to insufficient demonstration of a substantial hardship.

Petition Waiver –BR 345-4-.02 – Annett Smith

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to uphold the previous Board decision to deny request waive CE requirements.

Board Chair's Report – C. Knowles

A concerned licensee contacted Mr. Knowles and explained that she lives in Lawrenceville and has a Massage Therapy business in the City of Lawrenceville and when she went to renew her business license in the City of Lawrenceville, she was informed that the City Council increased the business license annual fee for Massage Therapists from \$75 to \$1500. From the licensee's understanding, no other businesses annual fees were increased. The licensee wanted to move her business to Gwinnett County but she cannot get a business license there because she was grandfathered in, never took the exam and Gwinnett County requires that you have taken either the MBLEX or one of the NCE exams. Mr. Knowles inform the licensee that the Board has no jurisdiction over business licenses or any fees that may be imposed and encouraged her to contact the City Council. The Board accepts this report as information.

Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to refer to the Attorney General's office whether or not local municipalities, particularly Lawrenceville/Gwinnett County, can require certain exams to operate a business that are not required by the State Board for licensure and if it is legal for them to impose fees per practitioner and/or increase the fees associated with operating a MT business.

Executive Director's Report – A. Price

Executive Director's report presented the Board with statistical data relevant to the number of active licensees and processing of applications, and complaints/compliance matters. Ms. Price presented the Board with an updated status on the pre-filled bills in the Georgia General Assembly which could potentially affect the business of the Board. She also updated the Board on the status of the CE Broker contract for the tracking of continuing education requirements

and the current status of the proposed amendment in reference to continuing education hours. The Board accepts the report as presented.

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, April 24, 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.

EXECUTIVE SESSION

Applicant Interviews

- | | | |
|------------|-----------------------------------|---|
| a) 1:00PM | S.G. with Attorney Patrick Sam | Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to uphold the previous motion to deny the application for licensure. |
| b) 1:30PM | C-K. L. with Attorney Patrick Sam | Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to uphold previous motion to deny the application for licensure. |
| c) 2:00PM | C. L. with Attorney Peter Steckel | Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve and renew for licensure. |
| d) 2:30 PM | B.S. with no attorney present | Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve for licensure upon receipt of sixty-five (65) hours in A&P from a state recognized Massage Therapy school or state accredited community college. |

Executive Minutes

February 27, 2015 Board Meeting

Ms. Clay motioned, Ms. Johnson seconded, and the Board voted unanimously in favor of the motion to approve the February 27, 2015 executive session minutes as amended.

March 18, 2015 Teleconference

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the March 18, 2015 teleconference executive minutes as amended.

March 31, 2015 Teleconference

Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the March 31, 2015 teleconference executive 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 memorandums as presented and the following recommendations made in Executive Session:

1. B.J. Rescind the previous motion and issue the license.
2. M.W. Amend the motion to require a Public Consent Agreement to include probation for a period of two (2) years with quarterly personal and employer reports.
3. S.H.G. Close case, no action.

Cognizant’s Report – J. Clay

No report presented.

Legal Memo to MT Board

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.N.B Close the case in legal. If no response received by 09/20/2015, withdraw the application.
2. T.A.M. Close the case in legal and refer to investigations for unlicensed practice. If allegations substantiated upon cognizant review, refer to the Attorney General’s office for a cease and desist hearing.
3. E.C.B. Deny the opens records request based on O.C.G.A. § 43-24A.
4. G.L. Rescind the previous motion and renew license.

Requests for Reconsideration

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. A.T.R. Rescind the previous motion and issue the license.
2. F.L. Deny for licensure base on invalidation of MBLEX scores and obtain a copy of the investigative file from FSMTB.
3. T.S. Rescind the previous motion and issue the license.
4. W.H. Uphold the previous motion.
5. N.V. Deny for renewal and notify the applicant that he or she must apply for reinstatement.
6. N.P. Deny for renewal and notify the applicant that he or she must apply for reinstatement.
7. T.J. Renew the license.
8. V.S.B. Uphold the previous motion.
9. X.Y. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.

School Cognizant’s Report –C. Knowles

No report to present

Applications for Board Review 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. G.W. Notify the applicant that as a condition for consideration of licensure submit to a MPE or submit a certified copy of treatment records as well as a statement from the evaluator that the applicant may practice with reasonable skill and safety.
2. L.Y. Refer to Legal Services for a Public Consent Agreement for Licensure with a fine of \$500 for making a false statement on the application .
3. S.W. Table pending outcome of investigation. Refer to investigations for unlicensed practice and review continuing education before considering the issuance of a license.
4. I.I. Deny request and lapse license based on failure to meet continuing education requirements. Applicant did not have 12 hours of hands on continuing education.
5. P.T. Table application and request Staff to contact arresting officer regarding case and any information which led to the arrest/allegations and present information to the Board for consideration.
6. C.K. Rescind the previous motion and issue license.
7. M.M. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
8. T.S. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
9. Y.S. Table application pending receipt of transcript from the school.
10. L.W. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
11. Y.W. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.

Miscellaneous

1. Board Order and C&D Ratification List Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the list of orders issued between board meetings and accept upon receipt.
2. J.P.H. Ms. Johnson motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to terminate the probation as requested and close the case.

Adjournment With no further business to be discussed, the meeting was adjourned at 1:48pm

Minutes recorded by: Tamara Elliott, Board Support Specialist
Minutes reviewed and edited by: Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: June 12, 2015

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR