

GEORGIA STATE BOARD OF MASSAGE THERAPY

**Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
August 28, 2015 - 9:00A.M**

The Georgia Board of Massage Therapy met on Friday, August 28, 2015. The following members were present:

Board Members Present

Craig Knowles, Chair
Jennifer Clay, Vice Chair
Trisha Butler, 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

Jane Johnson, Self
Sharon Remaly, Self/AMTA-GA
Joan Nichols, Self
Cindy Farrar, AMTA-GA
Cindy Williams, Self
Glita Zelenak, Self
Marvin Rice, Atlanta Beauty and Barber Academy
Sally Hacking, FSMTB Director of Government Relations
Brock Ingmire, FSMTB Government Relations Specialist
Jean Robinson, ABMP Director of Government Relations
Michael Power, Applicant Representative
Suzy Compere, Applicant Representative
Joey Sann, Self
Susan Brock, Self
Kevin Rowley, Self

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 9:15a.m.

OPEN SESSION

Swearing in of New Board Member

Lisa Durden, Director of the Professional Licensing Boards Division, administered the Oath of Office as a member of the Georgia Board of Massage Therapy to Ms. Trisha Butler, LMT who was appointed to the Board by Governor Nathan Deal.

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

09:30 A.M Board Rule Hearing – BR 345-4-.02

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF MASSAGE THERAPY CHAPTER 345-4, LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE, RULE 345-4-.02, CONTINUING EDUCATION HOURS

Purpose: The purpose is to update the continuing education procedure that provides guidelines for massage therapists on how to track their continuing education hours and clarifying the hands-on requirement.

Main Features: Requirement of maintaining a record of completed continuing education courses and experiences by registering with CE Broker, Inc. an online recording and reporting system approved by the Board.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA BOARD OF MASSAGE THERAPY CHAPTER 345-4, LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE, RULE 345-4-.02, CONTINUING EDUCATION HOURS [Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

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

(1) As a condition for renewing his or her license for each biennium, every massage therapist licensed pursuant to this chapter shall be required to complete a minimum of twenty-four (24) continuing education (CE) hours related to the practice of massage therapy through an approved provider; 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 course must include seventy percent (70 %) of hands-on experience/demonstration in order to qualify as direct hands-on supervised instruction.

(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 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 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.

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

(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.

(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) 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.

(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.

(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.

Authority O.C.G.A. §§ 43-24A-20, 43-24A-14, 43-1-25, 50-13-15 and 24-1-2(d)(4).

Ms. Price read into the record the following list of individuals who submitted written comments:

- 1) Aric T. Rhue, LMT
- 2) Cindy Farrar, American Massage Therapy Association
- 3) Geta Stanecu, LMT
- 4) Jean Robinson, Associated Bodywork & Massage Professionals
- 5) Jo-Ann Crawley, LMT
- 6) Laura DeLaNoy, LMT
- 7) Laurie Pratt, Serenity Massage & Wellness Spa
- 8) Rose Murray, LMT
- 9) Sally Hacking and Brock Ingmire, Federation of State Massage Therapy Boards
- 10) Vivian Davis

Public Comments were made by the following individual(s):

- 1) Cindy Farrar, American Massage Therapy Association

Ms. Clay motioned, Ms. Butler seconded and the Board voted unanimously in favor of the motion to adopt the proposed amendment of Board Rule 345-4-.02 Continuing Education Hours Amended as posted.

Ms. Clay motioned, Ms. Butler 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.

Ms. Clay motioned, Ms. Butler seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of massage therapy.

The hearing adjourned at 9:46a.m.

10:30 A.M Disciplinary Hearing Georgia State Board of Massage Therapy vs. Xaio Ling Chi

Ms. Clay motioned, Ms. Butler seconded and the Board voted unanimously in favor of the motion to revoke the license of Xaio Ling Chi for aiding and abetting unlicensed practice.

Ms. Clay motioned, Ms. Butler seconded and the Board voted unanimously in favor of the motion to accept the initial decision to revoke the license as the final decision of the Board and execute the Final Decision and Order presented by Assistant Attorney General, Scott Forbes.

11:00 A.M Disciplinary Hearing Georgia State Board of Massage Therapy vs. Monica Lee

Mr. Knowles reviewed the respondent's Petition for a Continuance and the States Motion in Support of Continuance and granted said petition. The signed Order of Continuation was executed and forwarded to the Legal Services Department for docketing.

1:00P.M. FSMTB Presentation Sally Hacking and Brock Ingmire

Ms. Hacking shared with Board Members that FSMTB currently has two ongoing initiatives. The first ongoing initiative is the creation of a Massage Therapy Licensing Database which will also be known as Matilda. She indicated that Matilda will allow for a more uniformed platform through which the Boards can share information and is scheduled to conclude this month, September 2015. FSMTB hopes to be able to roll out this tool sometime during Spring of 2016.

The second ongoing initiative is continuing education otherwise known as REACH 2. Course offerings would include public safety courses and corrective action courses.

Ms. Hacking and Mr. Ingmire stated that their mission is to support their member boards in their work to ensure that the practice of massage therapy is provided to the public in a safe and effective manner. Ms. Hacking indicated that FSMTB wanted to express their concerns with Board Rules 345-4-.02 & 345-8-.03 as it relates to the NPEC & NCBTMB requirements. Ms. Hacking stated that she appreciated receiving clarification from Board staff as to the rule waiver process should a school not meet the NPEC and NCBTMB requirements but wondered if the Board would consider other providers so as not to appear exclusive toward only one provider. She also reiterated that FSMTB is aware and appreciative of the NCBTMB correspondence in ensuring appropriate utilization of an assigned code is not to be misconstrued as a mechanism for entry-level licensing purposes and inquired as to whether or not the Board reviewed it.

The Board indicated that the correspondence for NCBTMB was received and reviewed by the Board and received the NCBTMB correspondence and is using both NCBTMB and NPEC appropriately. Ms. Hacking stated FSMTB respects the Board's authority to regulate their jurisdiction in the way it sees most appropriate but felt that it was part of their responsibility to bring things to the attention of the member boards that could be problematic. Mr. Ingmire and Ms. Hacking both thank the Board for allowing them the opportunity to ask these questions and indicated that FSMTB is willing to assist the Board in any way they can in the future..

Open Session Minutes

- 1) **June 12, 2015 Board Meeting**

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to approve the June 12, 2015 open session minutes.

Licenses to Ratify: June 6, 2015 – August 21, 2015

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to ratify the list of licenses issued June 6, 2015 – August 21, 2015 as presented.

Correspondence – Daniel Dierdorff – MT’s as Healthcare Practitioners in Georgia

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to refer the writer to the statute, O.C.G.A. § 43-24A-3(8), regarding the definition of massage therapy.

Correspondence – Elizabeth Stein – Massage and Body Cavities

Ms. Butler motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer the writer to the statute, O.C.G.A. § 43-24A-3(8), regarding the scope of practice and the board rules in Chapter 345-6 regarding professional conduct.

Correspondence – Erika Colindres – Body Shampooing

Ms. Butler motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to refer the writer to the statute, O.C.G.A. § 43-24A-3(8), regarding definition of massage therapy. Also send correspondence to Gwinnett County that the Board has not made a ruling on this issue and to refer them to the same statute regarding the definition of massage.

Correspondence – Keli Hinson – Flotation Devices

Ms. Butler motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to notify the writer that the Board does not have jurisdiction regarding flotation devices and refer them to O.C.G.A. § 43-24A-3(8) regarding the definition of massage therapy.

Discussion – 2015 FARB Regulatory Law Seminar

The Board accepts the correspondence in reference to 2015 FARB Regulatory Law Seminar as information.

Discussion – FSMTB MBLEx Score Invalidation

The Board noted that none of the applicants on the list has been issued a license in this state and accepts the correspondence in reference to FSMTB MBLEx Score invalidations as information.

Discussion – FSMTB Announces Change in BOD

The Board accepts the correspondence in reference to FSMTB change in the Board of Directors as information.

Discussion – FSMTB Annual Meeting Registration (Delegate)

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to nominate Craig Knowles as the Board’s delegate for the FSMTB Annual Meeting.

Discussion – FSMTB in Touch Newsletter

The Board accepts the correspondence in reference to FSMTB Newsletter as information.

Discussion – FSMTB Seeking Members of Board of Directors

The Board accepts the correspondence in reference to FSMTB seeking members as information.

Discussion – House Bill Address State Licensure Barriers to Telemedicine

The Board accepts the correspondence in reference to House Bill addressing barriers to telemedicine as information.

Discussion – Moultrie Technical College and Southwest Georgia Technical College Merger

The Board accepts the correspondence in reference to college merger and will consider the correspondence at the time the application for Board recognition is reviewed.

Discussion – Proposed Amendment to 345-3-.02 Application for Licensure

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 345-3-.02 as presented to the Attorney General’s Office for a memorandum of authority and if no objections noted, vote to post.

345-3-.02 Application for Licensure

- (1) The applicant for licensure as a massage therapist shall submit an application and the required non-refundable fee on a form approved by the Board, and evidence satisfactory to the Board that the applicant:
 - (a) is at least 18 years of age; and

(b) has a high school diploma, GED, or recognized equivalent; and,

(c) is a citizen of the United States or a permanent resident of the United States.

(2) In addition to the information called for on the [application form](#), the applicant must also provide or complete the following:

(a) satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. The applicant shall be responsible for all fees associated with the performance of such background check (see instructions on how to register and complete the fingerprint check ~~posted @ www.sos.ga.gov/plb/massage~~, [on the Board website under the Application/Form Downloads linksection of the home page](#)); and,

(b) [an](#) official verification from NCBTMB (National Certification Board for Therapeutic Massage and Bodywork) or FSMTB (Federation of State Massage Therapy Boards) showing applicant has passed the NCBTMB National Certification Exam for Therapeutic Massage (NCETM) or National Certification Exam for Therapeutic Massage & Bodywork (NCETMB), or the FSMTB Massage & Bodywork Licensing Exam (MBLEx), or an exam deemed equivalent or equal to the NCE or FSMTB exam by the Board; and,

(c) [applicants educated within the United States must:](#)

[1. submit an official, certified school transcript, in an original sealed envelope, by from the applicant's school or program, of successful completion \(graduation\) of a board-recognized massage therapy education program consisting of a minimum of five-hundred \(500\) hours of course and clinical work in accordance with Board rule 345-8; ~~or~~and,](#)

[2. have attended a Board recognized massage therapy educational program during the course of his or her entire massage therapy education.](#)

(d) [applicants educated outside the United States must:](#)

1. provide a credential evaluation report, in English, completed by a verifiable credential evaluation entity subject to the Board's approval to include a certified copy of the school transcript translated into English that includes, but is not limited to, the following:

i. all documentation must be certified translations including the name and contact number of the person completing and approving the credential evaluation report; and,

ii. the credential evaluation report shall include verification that the massage therapy educational entity providing the transcript to the applicant of the education was licensed, recognized or approved by a government, country, province or territory's educational commission, regulatory body or other verifiable official.

2. official verification of passage of one of the following national exams: MBLEx, NCBTMB, or NCBTM.

3. the Board reserves the right to recognize and consider mitigating circumstances with regard to the provision of educational information ~~from massage therapy educational programs located outside of the United States with~~ [regard to](#) compliance with this rule.

[\(e\) in determining if a license is to be issued, the Board, in its discretion, reserves the right to further consider and request an applicant to obtain and provide additional information about the applicant's massage therapy educational program if the program has ever been denied, revoked or suspended by a state board accrediting body, a government country, or province, the Nonpublic Postsecondary Education Commission \(NPEC\) and/or the National Certification Board of Therapeutic Massage and Bodywork \(NCBTMB\).](#)

Authority: O.C.G.A. §§ 43-1-3, 43-1-7, 43-1-19, 43-1-24, 43-1-25, 43-24A-7, 43-24A-8 and 43-24A-11. **History.** Original Rule entitled "Application for Licensure Post July 1, 2007" 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. **Repealed:** New Rule entitled "Application for Licensure" adopted. F. Oct. 30, 2013; eff. Nov. 19, 2013.

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of Proposed Amendment to 345-3-.02 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.

Ms. Clay motioned, Ms. Butler seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of massage therapy.

Discussion – Proposed Amendment to 345-8-.01 Curriculum Requirements

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 345-8-.01 to the Attorney General's Office for a memorandum of authority as presented and if no objections noted, vote to post.

345-8-.01 Curriculum Requirements. Amended.

In order to be a Georgia Board recognized massage therapy education program, the program must have a minimum curriculum of five-hundred (500) total clock hours of supervised classroom and supervised hands-on instruction. For purposes of this rule, "supervised" means the supervisor is physically on-site, qualified and immediately available. The minimum required subject matter and activities and the minimum required hours are as follows:

(a) A minimum of one hundred twenty-five (125) hours of in-class supervised instruction in human anatomy, physiology and kinesiology;

(b) A minimum of forty (40) hours of in-class supervised instruction in pathology;

(c) A minimum of two-hundred hours (200) in massage therapy theory, technique and practice, which must include in-class supervised instruction of clinical techniques and hands-on clinical practice and must include, at a minimum, the following subject matters: effleurage/gliding; petrissage/kneading; compression; friction, tapotement/percussion; vibration; direct pressure; superficial warming techniques; pumping; stretching; jostling; shaking; rocking;

(d) A minimum of one hundred twenty-five (125) hours of in-class supervised instruction in contraindications, benefits, universal precautions, body mechanics, massage history, client data collection, documentation, and legalities of massage, professional standards including draping and modesty, therapeutic relationships and communications;

(e) A minimum of ten (10) hours of in-class supervised instruction in ethics and business (to include a minimum of six (6) hours in ethics); and,

(f) Of the five hundred (500) total clock hours, the curriculum must include a minimum of fifty (50) hours in supervised student clinical practice, but no more than sixty (60) hours in supervised student clinical practice. Nothing in this rule shall be construed to prohibit a massage therapy school that has a curriculum greater than five hundred (500) hours from having more supervised student clinical practice so long as it has at least four hundred and forty (440) hours of in-class supervised instruction.

(g) If an applicant transfers from another massage therapy education program into a massage therapy education program recognized by this Board and any of the clock hours from the original program(s) are accepted as a part of the program to which the applicant transferred, the name of the original program and the clock hours accepted from that program must be identified on the transcript provided to the Board. If the transferred hours are not from a board recognized massage therapy education program, the hours may not be used to satisfy the curriculum requirements of this rule.

AUTHORITY: O.C.G.A. 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8 and 50-13-3. History. Original Rule entitled "Curriculum Requirements" adopted. F. Jan. 10, 2007; eff. Jan. 30, 2007. Amended: F. Feb. 27, 2012; eff. Mar. 18, 2012.

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of Proposed Amendment to 345-8-.01 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.

Ms. Clay motioned, Ms. Butler seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of massage therapy.

Open Records Request(s)

1) Golden Razor Academy of Cosmetology

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to approve the open records request.

3:00P.M. Y.Z.

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to deny for licensure based on insufficient evidence that the applicant meets qualifications for licensure.

Cognizant's Report – J. Clay Ms. Butler motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

- MT150017 Close the case with no action.
- MT140061 Deny licensure, the transcript credits do not meet educational requirements and the NCBTMB School Provider Number was revoked by NBCTMB.
- MT140665 Refer the case to the Attorney General's office for Summary Suspension and a hearing for revocation of licensure.
- MT140079 Close the case with no action.
- MT150021 Close the case and release the verification.
- MT150044 Deny the application for reinstatement and close the case with no action.
- MT150051 Refer back to investigations to issue a cease and desist order.
- MT150081 Refer to NPEC and table decision pending the outcome of investigation.
- MT150082 Send letter to licensee requesting additional continuing education documents within 7 business days from notice.
- MT150083 Refer the case to Attorney General's office for a Public Consent Order to include a \$500 fine and send a letter of concern to corporate office regarding continuing education practice.
- MT150092 Refer the case to Attorney General's office for a Public Consent Order to include a \$500 fine and send a letter of concern to corporate office regarding continuing education practice.
- MT150094 Close the case with no action.
- MT150100 Refer the case to the Attorney General's office for a Public Consent Agreement to include a \$1500 fine for unlicensed practice.
- MT150106 Refer the case to the Attorney General's office to issue a \$750 fine for failure to comply with the previous consent order.
- MT150127 Close the case with no action.
- MT150134 Refer the case to investigations to issue a cease and desist order.
- MT150137 Refer the case to investigations to issue a cease and desist order.
- MT150143 Close the case with no action.
- MT150144 Deny application and refer the case to the Attorney General's office for Summary Suspension and a hearing for revocation of licensure.
- MT150146 Refer to Legal Services for Private Consent Agreement for Reinstatement of Licensure with a fine of \$500 unprofessional conduct to be paid within six (6) months in accordance with BR 345-10-.04; Issue the license upon docketing.
- MT160001 Close the case with no action.
- MT160003 Table a decision in the case and refer to NPEC
- MT160004 Close the case with a letter of concern regarding unprofessional conduct.
- MT160005 Refer the case to investigations to issue a cease and desist order.
- MT160006 Accept the cease and desist order and close the case.
- MT160010 Accept the cease and desist order from the respondent and refer to Attorney General's office for consent order for revocation of owner license.

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

Arrests

H.Y. Deny for licensure based on criminal history.

Exam

E.M.R. Approve for licensure.

Review of Education Requirements

- Y.Y. Table the application pending the outcome of investigation and share information with NPEC.
- G.F. Table the application pending the outcome of investigation and share information with NPEC.
- X.L. Table the application pending the outcome of investigation and share information with NPEC.
- Y.L. Table the application pending the outcome of investigation and share information with NPEC.
- J.Z. Table the application pending the outcome of investigation and share information with NPEC.
- X.P. Table the application pending the outcome of investigation and share information with NPEC.

Permit Request

P.H. Deny the request for a provisional permit and refer to investigations to issue a cease and desist order for unlicensed practice.

Reinstatements

- D.B. Approve for reinstatement of licensure.
- D.F. Refer to Legal Services for Private Consent Agreement for Reinstatement of Licensure with a fine of \$500 for unlicensed practice to be paid within six (6) months in accordance with BR 345-10-.04; Issue the license upon docketing.
- S.W. Refer to Legal Services for Private Consent Agreement for Reinstatement of Licensure with a fine of \$500 for unlicensed practice to be paid within six (6) months in accordance with BR 345-10-.04; Issue the license upon docketing.

Transcripts

- F.G. Deny licensure, the transcript credits do not meet educational requirements.
- D.K. Deny licensure, the transcript credits do not meet educational requirements.
- H.M. Rescind letter that Board previously sent to her as letter should have stated BR345-8-.01 (d) and not BR 345-8-01(c). Application has expired. Must meet educational requirements and submit new application.
- L.M. Deny licensure, the transcript credits do not meet educational requirements.
- D.R. Deny licensure, the transcript credits do not meet educational requirements.
- D.R. Deny licensure, the transcript credits do not meet educational requirements.
- Y.S. Deny licensure, the transcript credits do not meet educational requirements.
- Y.S. Deny licensure, the transcript credits do not meet educational requirements.
- A.V. Approve waiver request based on education substantially equivalent to what the Board requires and issue the license.
- Y.W. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- Y.W. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- J.Z. Table a decision on application pending outcome of federation review.
- Y.C. Table a decision on application pending outcome of federation review.
- Z.D. Deny licensure based on invalidation of MBLEX scores.
- R.Z. Denied licensure based on fraudulent transcript.
- R.Z. Approve for licensure.
- B.Y. Table the application pending the outcome of investigation.
- Y.S. Deny licensure based on invalidation of MBLEX scores.

Attorney General's Report- J. Scott Forbes

The Board accepted the verbal report as presented.

Review of Policies and Procedures

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to accept the policies and procedures as presented with the following amendments:

- 1) Strike the language presented as Policy A8 from the policy manual to include it as a proposed amendment to rule 345-4-.03, refer it to the Attorney General's Office for a memorandum of authority and if no objections, vote to post.

Rule 345-4-.03 Continuing Education Providers

(1) The Georgia Board of Massage Therapy does not pre-approve continuing education courses or programs at this time. The Board will accept continuing education hours from any entity who is recognized/approved as a "Continuing Education Provider" by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) provided that the hours are related to the scope of practice of massage therapy as defined in O.C.G.A. § 43-24A. Continuing Education Providers recognized by the NCBTMB may be located by contacting the NCBTMB directly or by searching their website, www.ncbtmb.org.

(2) In order for the Board to accept documentation of continuing education from a NCBTMB Approved Continuing Education Provider, the following requirements must be met:

(a) The provider must have had a current, unencumbered, NCBTMB approved provider number at the time the continuing education course was administered;

(b) The name/title of the course listed on the certificate of completion must be present on the list of courses that NCBTMB has authorized that CE Provider to teach under the associated approved provider number;

(c) On the date of completion for each course, the provider must provide a certificate of completion to each student/attendee who successfully completed all of the course requirements; and,

(d) The provider must record course credit information for all class attendees on CE Broker within seven (7) days of the completion of the course.

(e) The provider must have entered information relevant to the program or course to include but not limited to a description, program objective/learning outcomes, content description, and agenda or schedule into CE Broker.

- (3) In addition to the above requirements, all CE certificates of completion must include the following information:
- (a) The name of the attendee and their license number;
 - (b) The complete name/title of the course;
 - (c) The date(s) the attendee took and completed the course;
 - (d) The number of continuing education hours awarded for the course;
 - (e) The printed name and signature of the instructor for the course;
 - (f) The NCBTMB Approved Provider Name, Provider Number and expiration date;
 - (g) The location or site of the course, i.e. Home Study, Self-Study, Internet, Webinar, WebEx, or physical address where the course was taught; and,
 - (h) If the course is being submitted to meet the direct hands-on supervised instruction requirement, the certificate must denote that it is a hands-on course. In order for the course to receive hands-on credit, 70% of the course must include direct application of touch, pressure, movement, and holding to the soft tissue of the body.
- (3) Providers who fail to report the CEs in accordance with this policy will be removed from the list of approved NCBTMB providers for this state and reported to NCBTMB for noncompliance.

Cite as Ga. Comp. R. & Regs. r. 345-4-.03

Authority: O.C.G.A. Secs. 43-1-4, 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-20, 50-13-3.

History. Original Rule entitled "Continuing Education Providers Seeking Board Approval" adopted. F. July 5, 2007; eff. July 25, 2007.

Repealed: New Rule entitled "Continuing Education Providers" adopted. F. Sept. 9, 2008; eff. Sept. 29, 2008.

Amended: F. Mar. 10, 2015; eff. Mar. 30, 2015.

And,

2) Adopt proposed rule 345-4-.02(a) as the new Policy A8 entitled "Reporting and Auditing of Hours" as authorized by 43-1-19(a),(d), & (h); 43-24A-7(a)(1),(2) & (3); 43-24A-17(a); 43-24A-14(b); 43-24A-20.

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 within 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 who has failed to complete the continuing education requirements for any reason, to include a failure to register and record activities within the online recording and reporting system approved by the Board, shall be subject to a Public Reprimand which may include a fine of \$500 per violation, a requirement that any deficient CE Hours be obtained within two (2) months of the effective date of the Public Reprimand and other conditions as determined 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 on noncompliance with CE requirements 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 within 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 activities 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.

Executive Discussions

- 1) G.C.I. The Board accepted the correspondence as information.
- 2) M.B. Table pending receipt of an incident report/citation.
- 3) O.T.B Table pending receipt and review of the list of students allegedly forwarded electronically to the counsel for the educational program back in 2013.
- 4) A.B.B. Table pending receipt and review of the list of students allegedly forwarded electronically to the counsel for the educational program back in 2013.

Legal Memo(s) to the Board Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

- 1) Request for Reconsideration - E.R.H. Uphold the previous motion.
- 2) Request for Reconsideration - M.Z.B. Rescind the previous motion, deny the renewal of the license and refer to investigations to issue a cease and desist order for unlicensed practice.

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

- 1) B.M.J. Uphold the previous motion to deny licensure.
- 2) S.C.W. Rescind the previous motion to deny and approve for licensure.
- 3) Y.W. Table pending outcome of investigation.

Request(s) for Transcript

- 1) H.C. Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to grant the request to release the transcript to another lawful licensing authority.

Ratification List – Consent Orders

Ms. Butler motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept and ratify the list of orders issued between board meetings and accept upon receipt.

Executive Minutes:

1) June 12, 2015 Board Meeting

Ms. Clay motioned, Mr. Knowles seconded, and the Board voted unanimously in favor of the motion to approve the June 12, 2015 executive session minutes.

Miscellaneous

- 1) Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to revise Board Rule 345-4-.05 Reinstatement of a License as follows and refer the proposed amendment to the Attorney General's Office for a memorandum of authority, and post if no objections noted:

Rule 345-4-.05 Reinstatement of a License

345-4-.05 Reinstatement of a License. Amended.

(1) Reinstatement of a revoked or lapsed license is within the discretion of the Board.

(2) An applicant for reinstatement of a revoked or lapsed license must submit a completed application provided by the board, payment of the required fee and evidence satisfactory to the Board that the applicant:

(a) is a citizen of the United States or a permanent resident of the United States; and,

~~(b) submits a photograph of the applicant. Only a passport type (2" X 2") photo taken within the past twelve months will be accepted; and,~~

~~(c) provides consent for the Board to perform a criminal background check; and~~ has a satisfactory result from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. The applicant shall be responsible for all fees associated with the performance of such background check (see the Fingerprint COGENT-GAPS Instructions on the Board website under the Application Downloads link).

~~(d)~~**(c)** if the license has been revoked or lapsed for **less than five (5) years**, submission of evidence of completion of twenty-four (24) hours of Board approved continuing education, in accordance with Board Rule 345-4-.02, obtained within one (1) year of the date of the reinstatement application; ~~and/or,~~

~~(e)~~(d) if the license has been revoked or lapsed for **more than five (5) years**, submission of evidence of completion of twenty-four (24) hours of Board approved continuing education, in accordance with Board Rule 345-4-.02, obtained within one (1) year of the date of the reinstatement application, **AND**, verification of the passage of the ~~FSMTB licensure competency exam, the~~ MBLEx, ~~NCETMB or NCETM~~ exam.

(3) 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.

~~(3)~~(4) The Board may impose any limits, sanctions, restrictions or other disciplinary actions as a condition of reinstatement it deems necessary.

~~(4)~~(5) The Board may require additional verification of any requirements or credentials as the Board may deem necessary.

Cite as Ga. Comp. R. & Regs. R. 345-4-.05

Authority: O.C.G.A. Secs. 43-1-3, 43-1-7, 43-1-10, 43-1-19, 43-1-22, 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.

History. Original Rule entitled "Reinstatement of a License" adopted. F. July 5, 2007; eff. July 25, 2007.

Repealed: New Rule of same title adopted. F. Feb. 25, 2008; eff. Mar. 16, 2008.

Repealed: New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009.

Repealed: New Rule of same title adopted. F. Aug. 31, 2011; eff. Sep. 20, 2011.

Amended: F. Mar. 10, 2015; eff. Mar. 30, 2015.

Ms. Clay motioned, Ms. Butler 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.

Ms. Clay motioned, Ms. Butler seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of massage therapy.

- 2) Ms. Butler motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to direct Staff to notify the Secretary of State's Attorney for Elections and Legislation that due to new national board examination requirements the Board is interested in revising the statute to limit the number of times an applicant can sit for the MBLEx licensure exam before being required to complete further extensive study.

Board Elections 2015/2016:

- 1) Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to appoint Craig Knowles as the Board Chair.
- 2) Mr. Knowles motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to appoint Jennifer Clay as the Vice Chair.
- 3) Mr. Knowles motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to appoint Jennifer Clay as the Disciplinary Cognizant.
- 4) Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to appoint Craig Knowles as the Education Cognizant.
- 5) Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to appoint Ms. Nichols as the Criminal History Application Cognizant.
- 6) Ms. Clay motioned, Mr. Knowles seconded, and the Board voted unanimously in favor of the motion to appoint Ms. Butler as the Reinstatement Application Cognizant.

Adjournment With no further business to be discussed, the meeting was adjourned at 4:03pm

Minutes recorded by:

Tamara Elliott, Board Support Specialist

Minutes reviewed and edited by:

Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director

Minutes approved on:

October 30, 2015

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR