

GEORGIA STATE BOARD OF MASSAGE THERAPY

**Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
December 4, 2015 - 9:00A.M**

The Georgia Board of Massage Therapy met on Friday, December 4, 2015. The following members were present:

Board Members Present

Craig Knowles, Chair
Pam Nichols, Board Member
Jennifer Clay, 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

Jeff Geho, Representative for Limin Liang

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 9:07a.m.

OPEN SESSION

11:00AM Board Hearing

Monica Lee – Docket #2015-1394- Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant a continuance in the case of the Georgia Board of Massage Therapy v. Monica Lee based on the defendant's intent to voluntarily surrender her license and the case will be considered as resolved upon docketing of the defendant's signed surrender.

Agenda

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the agenda as amended to add the School Cognizant Report and late agenda items.

Open Session Minutes:

1) October 30, 2015 Board Meeting

Ms. Nichols motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the October 30, 2015 open session minutes as amended to correct the grammatical errors.

Licenses to Ratify: October 23, 2015 – November 27, 2015

Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to ratify the list of licenses issued October 23, 2015 – November 27, 2015 as presented.

The Board and Staff introduced themselves to the visitors and explained to the visitors that the Public may attend open session but may not be present during executive session when they discuss individual applications. Mr. Geho explained that he submitted additional documentation on behalf of an applicant about a week before the Board Meeting and Ms. Price explained the timeframe for the submission of correspondence to the Board. The Board will accept any additional documentation on behalf of the applicant during Executive Session but would not be able to provide any additional information to the applicant at that time.

Correspondence – Amiee Woods – Licensed Massage Therapist vs. Medical Massage Therapist

Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to send a response letter to Ms. Woods referring her to the statute, O.C.G.A. § 43-24A-3(8), regarding the scope of practice and exemptions as well as Board Rule 345-9-.01, in reference to the title of Massage Therapist.

Discussion – Board Rule 345-4-.05 Reinstatement of License

Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to refer Board Rule 345-4-.05 Reinstatement of a License as presented to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

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

(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) 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).

(c) if the license has been revoked or lapsed for **less than ~~five~~two (52)** 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;

or,

(d) if the license has been revoked or lapsed for **more than ~~five~~two (52) 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 MBLEx; ~~NCETMB or NCETM exam~~ within six (6) months of the date of the reinstatement application.

(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.

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

(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.

The Board discussed the economic impact of Board Rule 345-4-.05 upon the licensee. Ms. Clay motioned, Ms. Nichols 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. Nichols 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 – Board Rule 345-8-.03 Board Recognition Status

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to table this discussion regarding BR 345-8-.03 and refer to Mr. Knowles to revise the language to further clarify faculty and transcript requirements and the use of the same instructors for both didactic and clinical coursework within a program and present the revisions to the Board at the next scheduled Board Meeting.

Petition for Rule Waiver – A Gathering Place – Wellness Education Center, LLC

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-8-.03(1) (f).

Petition for Rule Waiver – Chandler, Isaac

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the request to waive BR 345-3-.02(b) and suggest that Mr. Chandler apply for testing accommodations.

Petition for Rule Waiver – Cross, Michael

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion grant a petition of rule variance of BR 345-4-.05 2(c) and 3 in lieu of a waiver and issue the license under the following terms and

conditions - Refer to Attorney General's office for a Private Consent Agreement for Reinstatement of Licensure to include (48) hours of CEUs, of which (24) hours must be hands-on, in-person and must be completed by October 21, 2016.

Executive Director's Report – A. Price

Executive Director's report presented the Board with statistical data relevant to the processing of applications and complaints/compliance, the current CE Tracking System updates, and the purpose of the FSMTB Fair Task Force. Ms. Price also provided the Board with the toll free number for the Professional Licensing Boards Division. Mr. Knowles mentioned the discussion of adding picture identification to the license pocket card and Ms. Price informed the Board that it has been referred to the Attorney General's office for further investigation. The Board accepted the report as presented.

Miscellaneous Discussion

1) Late Agenda Item – Open Records Request – Leon Dwight Williams

Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to request that Legal Services obtain additional information regarding the open records request and nature of the case involving this licensee as well as how the information may prove relevant to the requestor's case.

Education Report – C. Knowles

Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to accept the recommendations of the School Cognizant regarding the applications for and/or review of Board recognition status for the following massage therapy educational programs as presented:

- 1) A Gathering Place Grant recognition status.
- 2) Georgia Christian University Table pending the outcome of the NPEC review.

3) BR 345-3-.02

Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to refer 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.

Rule 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 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, Application Downloads link); and

(b) 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: submit an official, certified school transcript in an original sealed envelope, by 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](#),

[\(1\) "Successful completion \(graduation\)" means that all hours of course and clinical work were earned from a board-recognized massage therapy education program; or,](#)

(d) applicants educated outside the United States:

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 within compliance with this rule.

Cite as Ga. Comp. R. & Regs. R. 345-3-.02

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.

The Board discussed the economic impact of Board Rule 345-3-.02 upon the licensee. Ms. Nichols 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.

Ms. Nichols motioned, Ms. Clay 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.

Ms. Nichols motioned, Ms. Clary seconded and the Board voted unanimously in favor of the motion to submit a referral to the Attorney General's Office to determine if the Board has statutory authority to place a picture on licenses.

Ms. Clay motioned, Ms. Nichols 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. Nichols.

At the conclusion of Executive Session on Friday, December 4, 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

Scheduled Board Appointments

12:00P.M.	C.W.	Ms. Nichols motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to deny licensure.
12:30P.M.	N.C.	Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to refer to the Attorney General's office for a Private Consent Agreement for Licensure to include monitoring for a period of three (3) years.
01:00P.M.	J.H.	Ms. Nichols motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to send a response letter that the Board will not entertain any further requests to appear and applicant must submit an application for reinstatement if the applicant wishes to have an audience with the Board.

Executive Minutes:

1) October 30, 2015 Board Meeting

Ms. Nichols motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the October 30, 2015 executive session minutes as amended to correct the grammatical errors.

Cognizant's Report – J. Clay

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

- MT150137 Accept the C&D and close the case.
- MT160014 Close the case with no action.
- MT160022 Table a decision pending outcome of criminal case.
- MT160033 Table a decision pending outcome of criminal case and place a hold on the licenses for renewal.

Attorney General's Report- J. Scott Forbes

Ms. Nichols motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept attorney general's report as presented.

X.L.C. Ms. Nichols motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to accept amended Board Order to include two (2) investigative inspections per quarter and a fine to be paid in installments of \$154.76 every three (3) months for a total of \$,1238.08.

Applications for Board Review

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

- 1) L.L. Table a decision pending additional information regarding criminal history.
- 2) Y.Z. Deny the request for reconsideration based on the applicant's failure to meet educational requirements as evidenced by the documentation submitted to the Board which revealed that the clinical hours submitted to complete the educational requirements were obtained after the graduation date.
- 3) H.G. Deny the request for an extension. The application expires within one (1) year from date of receipt.
- 4) N.R. Grant the request for an inactive status.
- 5) G.P. Refer to Legal Services for a Private Consent Agreement for Reinstatement of Licensure with a fine of \$750 for unlicensed practice from January 1, 2015-November 13, 2015.
- 6) S.W. Deny reinstatement of license
- 7) M.C. Refer to Attorney General's office for a Private Consent Agreement for Reinstatement of Licensure to include (48) hours of CEUs, of which (24) hours must be hands-on, in-person and must be completed by October 31, 2016.
- 8) D.G. Deny for licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- 9) M.J. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- 10) G.S. Deny for licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03 as well as the applicant does not meet educational requirements due to the amount of clock hours.
- 11) X.H. Deny for licensure based on attendance to a school which is not recognized by the Board.
- 12) L.W. Deny for licensure based on invalidation of MBLEX scores.

Miscellaneous

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

- 1) D.W. Refer to Legal Service for a Private Consent Agreement for Reinstatement of Licensure with a fine of \$500 for falsifying information.
- 2) M.H. Issue the license with a letter of concern regarding criminal history.
- 3) G.R.A.C. Deny all applicants for licensure based on attendance to a school which is not recognized by the Board. The program was notified that no other transcripts will be accepted from graduates of that program.

Continuing Education Tracking Systems

The Board entered into a discussion regarding the potential actions that may be taken should a licensee fail to comply with recording and reporting of their continuing education into the online tracking system approved by the Board. It was the consensus of the Board to direct the Executive Director to speak with the Division Director and request she

approach Secretary of State Brian Kemp about amending O.C.G.A. §§ 43-1-4, 43-1-4 to further address the use of continuing education tracking systems.

Proposed Statutory Changes

The Board entered into a discussion about adding language to O.C.G.A. §§ 43-24A-2, 43-24A-3(4) & (8), 43-24A-7, 43-24A-8(6) to grant the Board additional authority as it relates to massage therapy educational programs. Mr. Knowles and Ms. Clay volunteered to draft amendments to the language in these sections for consideration by the Board and presentation to members of the Georgia General Assembly.

Adjournment With no further business to be discussed, the meeting was adjourned at 1:21pm

Minutes recorded by:	Tamara Elliott, Board Support Specialist
Minutes reviewed and edited by:	Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on:	March 4, 2016

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR