

**GEORGIA STATE BOARD OF MASSAGE THERAPY**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**March 4, 2016 - 9:00A.M.**

The Georgia Board of Massage Therapy met on Friday, March 4, 2016. The following members were present:

**Board Members Present**

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

- 1) Bryan Lane
- 2) Vivian Lane

**Call to Order** Mr. Knowles established that a quorum was present and called the meeting to order at 9:18 a.m.

**OPEN SESSION**

**Board Meeting Agenda**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the agenda as amended to adjust the order of Executive Session discussions.

**Open Session Minutes:**

**1) December 4, 2015 Board Meeting Minutes**

Ms. Nichols motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the December 4, 2015 open session minutes as amended to correct the grammatical errors and include the terms of the rule waivers discussed.

**2) January 6, 2016 Teleconference Minutes**

Ms. Nichols motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to approve the January 6, 2016 open session minutes as amended to correct the grammatical errors.

**Licenses to Ratify: November 28, 2015 – February 26, 2016**

Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to ratify the licenses by application and by reinstatement that were issued in accordance with Board Rules and Policies between board meetings.

**Correspondence(s)**

**1) Nancy Matthews, Sedona School of Massage**

Ms. Butler motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to send a response letter to Ms. Matthews clarifying that the Georgia Board of Massage Therapy does not certify schools, but it recognizes educational programs that meet the State's requirements. Also notify Ms. Matthews that the Sedona School of Massage is not currently certified by NCBTMB. Sedona School of Massage NCBTMB school provider code expired in June of 2014.

**Discussion – Board Rule 345-8-.03 Board Recognition Status**

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to refer Board Rule 345-8-.03 as presented to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

**Rule 345-8-.03. Board Recognition Status**

~~(1) In order for a Georgia (physically) based massage therapy education program location(s) to obtain the Georgia Massage Therapy Board "Recognized" massage therapy education program status, [A massage therapy educational](#)~~

program which is located within the state of Georgia is eligible to become a board recognized massage program if the program submits a complete application to the Board and the following requirements are met:

(a) the program must meet the ~~requirements~~ standards for training and curriculum set forth in rules 345-8-.01 and 345-8-.02, and ~~the additional requirements below:~~

(~~ab~~) the program must require that each student ~~achieve~~have a minimum grade of 70% and ~~the student have~~ maintain a minimum attendance of 70% per course in order to receive credit for the attainable clock/ hours ~~in~~ awarded to any massage therapy related course and clinical work, and;

(~~bc~~) the program must maintain a current, written program catalog to include but not limited to information relevant to the, philosophy and objectives of the program, ~~and the program must maintain~~ course outlines or syllabi for all massage therapy courses, and;

(~~de~~) the program must provide a student handbook, and;

(~~ed~~) the program must maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance, and identifies the instructor for each course and any transfer hours that the student received credit for that were attained from another program or school, and;

(~~ef~~) the program must possess a current, unencumbered National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) School Provider Code.

(~~gf~~) the program must possess a current, unencumbered Nonpublic Postsecondary Education Commission (NPEC) Authorization number or accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools.

(2) If a board recognized program does not meet or fails to comply with the ~~curriculum, faculty, and additional requirements~~ noted in these rules of board rules 345-8-.01, 345-8-.02 and 345-8-.03, the Board may withdraw the "recognized" status of the program.

(a) The program recognition status will be withdrawn upon a vote of the Board to do so and the Board shall promptly notify the program, in writing, of the withdrawn recognition status.

(b) ~~†~~ The program must notify, in writing, all current and potential new students of their withdrawn recognition status within ten (10) business days from receipt of the Board's notice. Such notification must also include a statement indicating that students who graduate from an unrecognized program will not be eligible for licensure. Simultaneously, a copy of such notification must be submitted to the Board within the ten (10) business days.

(3) Effective on or after a date established by the Board, No ~~other~~ transcripts will be accepted from a program whose recognition status has been withdrawn ~~effective on or after a date established by the Board~~.

(4) Programs losing Board recognition must ~~reapply for recognition by the Board~~ complete and submit a new application in order for the Board to consider restoring the program to a Board recognized status.

(5) ~~A Georgia (physically) based~~ When a board recognized massage therapy educational program that is located within the state of Georgia ~~that~~ is sold, physically moves or the name of the program changes, ~~changes the recognized program's name~~ the program must file a new ~~school recognition~~ application with the Board within ten (10) business days from the date of the action, and:-

(a) if sold to a new owner, the new owner must provide, ~~within ten (10) days, a new application and all supporting documents (including a new, unencumbered~~ NCBTMB and NPEC current code/number - see ef & fg above);

(b) if moving location, report within ten (10) days the new physical and mailing address, in addition to any other changes (faculty, curriculum, etc.);

(c) if changing the programs name, but not physical location, report the name change to the Board within ten (10) business days.

(d) if changing faculty or faculty assignments, do not submit a new application. [Complete and submit the Faculty Amendment Form within ten \(10\) business days of the action.](#)

(6) Massage Therapy educational programs **located outside the state of Georgia** may be recognized by meeting the following criteria:

(a) hold, and maintain, a current, unencumbered NCBTMB school code number; and,

(b) be approved or recognized by the state the program is located in as meeting the requirements for massage therapy education (pursuant to the Georgia Board rules [345-8-01](#) and [345-8-02](#)) for licensure in the state the program is located and operating in; and,

(c) recognition by the Board of any massage therapy educational program is at the sole discretion of the Georgia Board of Massage Therapy.

(7) Recognition of massage therapy educational programs located **outside of the United States** is at the sole discretion of the Board:

(a) transcripts will only be accepted if translated by a reputable and verifiable credential evaluation service. The Board has sole discretion on the acceptance/approval of a credential evaluations service utilized by an applicant; and,

(b) the foreign massage therapy education program must at a minimum be determined to be substantially equal to or exceed the curriculum requirements set forth in Board rule [345-8-01](#); and,

(c) recognition by the Board of any foreign massage therapy educational program is at the sole discretion of the Georgia Board of Massage Therapy.

**Cite as Ga. Comp. R. & Regs. R. 345-8-.03**

**Authority:** O.C.G.A. §§ [43-1-25](#), [43-24A-3](#), [43-24A-7](#), [43-24A-8](#), [43-24A-10](#) and [43-24A-13](#).

**History.** Original Rule entitled "Additional Requirements" adopted. F. Jan. 10, 2007; eff. Jan. 30, 2007.

**Repealed:** New Rule entitled "Maintaining Board Recognition Status" adopted. F. July 2, 2009; eff. July 22, 2009.

**Amended:** F. Feb. 27, 2012; eff. Mar. 18, 2012.

**Repealed:** New Rule entitled "Board Recognition Status. Amended" adopted. F. Oct. 30, 2013; eff. Nov. 19, 2013.

The Board discussed the economic impact of Board Rule 345-8-.03 upon the licensee. 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.

**Discussion – Ethics and Boundaries Assessment Services, LLC Agency Workshop**

Ms. Butler motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to send Ms. Pam Nichols to the EBAS Agency Workshop as the Board's Delegate.

**Discussion – Federation of State Massage Therapy Board (FSMTB)**

**1) Legislative Tracking Initiatives**

The Board accepted the correspondence in reference to the Legislative Tracking Initiatives as information.

**2) Requests Board Thoughts on GA HB952**

Ms. Nichols motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to send a response letter to Mr. Snedden of FSMTB thanking him for the correspondence regarding House Bill 952 and informing him that the Board is continuing to monitor legislation for further outcomes and has not formulated any official position on the matter.

**3) Strategic Planning Survey**

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to complete the strategic planning survey as a Board and as an individual Board Members. The Board reviewed each question on the survey and formulated responses during open session of the meeting.

**Discussion – Warner Robins City Ordinance**

Ms. Nichols motioned, Ms. Clay seconded, and the Board voted unanimously in favor of the motion to table this discussion and refer the matter to the Attorney General’s Office for further research on whether the language of the ordinance violates any statutes or rules and provide advice regarding the Board’s authority in this matter.

**Open Records Requests:**

**1) Hoffspiegel & Associations RE: Leon D. Williams**

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to approve the release of records regarding Leon D. Williams as requested and request the law firm to file a formal complaint with the Board.

**2) Javeria Jamil, Asian American Advancing Justice RE: Immigration Status**

Ms. Nichols motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to deny the release of records regarding immigration status of Georgia Massage Therapy applicants as requested based on O.C.G.A. § 50-18-70 (j).

**3) Kristy Schrimsher, California Massage Therapy Counsel RE: Golden Razor Massage Therapy School**

Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to approve the release of records regarding Golden Razor Massage Therapy School as requested and release any information pertaining to Golden Razor Massage Therapy School received from NPEC.

**4) Matthew B. Stoddard, The Stoddard Firm RE: Mucahit Turan**

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to request additional information regarding the reason the records are being requested and request the law firm to file a formal complaint on the respondent if necessary.

**Petition for Rule Waiver Request(s)**

**1) Carrie Taylor-Ollis**

Ms. Nichols motioned, Ms. Butler seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 345-8-.03 (e)(f) due to insufficient evidence to substantiate a hardship.

**2) Charlene A. Laharpe**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 345-4-.02 due to insufficient evidence to substantiate a hardship.

**3) Debra K. Casebere**

Ms. Butler motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 345-3-.02(c) due to insufficient evidence to substantiate a hardship and direct Ms. Casebere to contact NCBTMB or the Department of Education to obtain a copy of her official transcript.

**4) Sandra D.Yeager**

Ms. Clay motioned, Ms. Butler seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 345-4-.02 due to insufficient evidence to substantiate a hardship.

**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 registrants for the CE Tracking System, the Board’s statutory authority to proceed with disciplinary actions against those who do not use CE Broker, and the purpose and progress of the FSMTB Federation Authentic Information Review (FAIR) Task Force. Ms. Price’s report presented the Board with an update on the status of pre-filled bills being tracked in the Georgia General Assembly, and a reminder that each Board Member was to have met the Annual Affidavit and Personal Financial Disclosure requirements by January 31, 2016 and if they have not done so to complete the task as soon as possible. The Board accepted the report as presented.

Ms. Price informed the Board of topics the FAIR Task Force was interested in knowing if Board thought it would be valuable to consider publishing the pass rates for schools on their website, whether or not Georgia has a human trafficking statute and whether or not that statute can be incorporated in the rules to help combat human trafficking issues, as well as schools combining courses from various schools on one transcript in order to allow students to

graduate from their program. The consensus of the Board was that it was valuable to consider each of the topics and has begun to work on the rule concerning the combining of course hours from various schools. The Board tabled further discussion of the human trafficking issue until the next meeting.

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to submit a referral to the Attorney General's office to research whether or not the Board has the statutory authority to post or request schools to publish their pass rates for first time test takers.

### **Education Report – C. Knowles**

#### **1) Bancroft School of Massage Therapy**

Ms. Nichols motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to deny the application based on a failure to meet the application requirements.

#### **2) Georgia Christian University**

The Board was informed that the initial application for this program was withdrawn based the fact the individual who submitted the application is no longer affiliated with the program and the owner/operator of the program indicated a new application will be submitted. As a result, there was no official vote entered regarding the program.

#### **3) Greenville Technical College**

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to table a decision until the receipt of a petition waiver.

#### **4) Southern Regional Technical College**

Ms. Nichols motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to table a decision pending the outcome of additional investigation.

#### **5) Elaine Sterling Institute**

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to approve the massage therapy education program for Board recognition status. Ms. Nichols abstained from voting.

#### **6) Atlanta School of Massage (ASM)**

Ms. Clay motioned, Ms. Butler seconded and the Board voted unanimously in favor of sending the program a letter of concern regarding falsely advertising that Georgia licensees will receive continuing education credit for courses which are not approved by the Board and/or NCBTMB and notify them that if the practice continues the Board will no longer accept any NCBTMB approved courses offered through the ASM program or school.

### **Board Chair's Report – C. Knowles**

Mr. Knowles expressed his concerns regarding fraudulent activity surrounding continuing education courses and misrepresentation among massage therapy schools. Mr. Knowles stated that in his role as Education Cognizant and Chair, he will contact NCBTMB regarding Massage Therapy Schools that continue to advertise courses as if they have been granted approval by NCBTMB when they have not. Mr. Knowles reminded the Board that the FSMTB Resolutions must be submitted before June 2016 Board Meeting and as a result, the Board must be prepared to discuss them at the next meeting. He further stated that since this is the last year of the biennium, each member and board staff must prepare to assist with the continuing education audit at renewal. Mr. Knowles indicated that he was asked by a member of the public if a massage therapist can perform stretching and strengthening exercises with their clients. It was the consensus of the Board for Mr. Knowles to refer the public to the statute regarding the scope of practice of massage therapists in this state.

### **Miscellaneous Discussions**

Mr. Bryan Lane briefly addressed the Board regarding an issue with his license renewal and did not understand what was being requested of him to reinstate his license. Ms. Price instructed Mr. Lane to request to speak with his Licensing Analyst, Yvonne LeSane regarding his application and she will be able to provide him with the next steps as the Board has not seen his application as the Board requires that applications be complete before it is presented to them. She informed that she has emailed Ms. LeSane and she will meet him out in the lobby area. Mr. Lane retreated to the lobby area when the Board entered into Executive Session.

**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, Ms. Nichols, and Ms. Butler.**

At the conclusion of Executive Session on Friday, March 4, 2016 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

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

12:30PM            Applicant L.L (cancelled appointment)            Deny, does not meet educational requirements.

### Executive Minutes:

#### 1) **December 4, 2015 Board Meeting Executive Minutes**

Ms. Nichols motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to approve the December 4, 2015 executive session minutes as presented.

#### 2) **January 6, 2016 Teleconference Executive Minutes**

Ms. Nichols motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to approve the January 6, 2016 executive session minutes as presented.

### Attorney General’s Report- J. Scott Forbes

Ms. Nichols motioned, Ms. Butler seconded and the Board voted unanimously in favor of the motion to accept the attorney general’s report as presented to include memorandums on rules and kinesiology taping.

1) Applicant C.B.            Rescind the previous motion and issue the license.

#### 2) **Board Rules 345-8-.01 and 345-8-.02**

Will be referred to Legal Services for posting in accordance with Board vote at the time of initial referral to the Attorney General’s office.

#### 3) **Board Rule 345-4-.04**

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to refer Board Rule 345-4-.04 as amended to the Attorney General’s Office for a memorandum of authority and if no objections noted, vote to post.

### Rule 345-4-.04 Inactive Status

(1) Licensees may request by application only to the Board that their active license to practice as a massage therapist in Georgia be placed on inactive status prior to the license expiration date. Applications for Inactive Status request will not be considered if postmarked on or after November 1st of every even numbered year. There is no fee to apply for inactive status.

(2) An individual whose license status is inactive shall not practice as a massage therapist within the state of Georgia.

(3) An individual whose license is under any investigation, is the subject of active disciplinary proceedings or has a sanction in effect may not transfer the license to an inactive status ~~while the sanctions are in effect~~.

(4) Licensees shall request in writing to the Board for the reactivation of their massage therapy license. Reactivation of an inactive status license is within the discretion of the Board. The following requirements must be met:

(a) If a licensee has been on inactive status for ~~less than two~~ (~~5~~2) years or less, the applicant must meet the requirements for renewal of licensure pursuant to Rule 345-4-.01, excluding late renewal penalty fee, and all required CE hours must be obtained within one year prior to the date of receipt of the Reactivation Application.

(b) If a licensee has been on inactive status for a period greater than two (~~5~~2) years, applicant must meet the requirements for reinstatement pursuant to Rule 345-4-.05.

### **Cite as Ga. Comp. R. & Regs. r. 345-4-.04**

**Authority:** 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 "Inactive Status" 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. Nov. 3, 2010; eff. Nov. 23, 2010.

**Amended:** Subparagraphs 345-4-.04(4)(b) was deleted in error when F. Nov. 3, 2010; eff. Nov. 23, 2010 was published. Error was discovered and corrected October 25, 2011.

The Board discussed the economic impact of Board Rule 345-4-.04 upon the licensee. 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.

#### 4) **Board Rule 345-4-.05**

Ms. Clay motioned, Ms. Butler seconded, and the Board voted unanimously in favor of the motion to refer Board Rule 345-4-.05 as amended 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:

(i) ~~less than fivetwo (52) years or less~~, the applicant must ~~submit~~~~ssion-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,

~~(ii) if the license has been revoked or lapsed for more than fivetwo (52) years~~, the applicant must ~~submit~~~~ssion-of~~ evidence of completion of twenty-four (24) hours of Board approved continuing education, in accordance with Board Rule 345-4-.02, ~~which was~~ obtained within one (1) year of the date of the reinstatement application, **AND**, verification of ~~having the passed~~~~age-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. 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.

**Cognizant's Report – J. Clay**

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

MT150051 & MT160008 Refer to the Attorney General's office for a hearing for revocation of licensure on respondent B.E. for aiding and abetting of unlicensed practice and cease and desist hearings for other unlicensed persons.

MT160034 & MT160057 Refer to the Attorney General's office for a Consent Agreement for Reinstatement of Licensure for with a fine of \$750 for unlicensed practice from November 1, 2014-October 23, 2015.

MT150128 Close the case with no action.

MT160007 Close the case with no action.

MT160012 Accept the cease and desist and close the case.

MT160019 Accept the cease and desist and close the case. If attempts to reinstate the Board will reconsider the facts of the case.

MT160022 Refer to Attorney General's Office for a hearing for revocation of licensure on respondent Y.L. based on aiding and abetting of unlicensed practice and violations of board rules. Close the case on the other two respondents.

MT160030 Close the case with no action.

MT160031 Accept the cease and desist and close the case.

MT160036 Close the case with no action.

MT160037 Close the case with no action.

MT160038 Close the case with no action.

MT160061 Refer to Attorney General's Office for a cease and desist hearing with fine of \$500.

MT160065 Close the case with no action.

**Board Order Ratification List**

Ms. Butler motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to accept the ratification list of Private Consent Agreements issued in accordance with Board rules and policies as presented.

**Executive Discussions**

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

1) Applicant Y.Z. Uphold the previous decision to deny.

**Legal Memos to the Board**

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

1) R.J. Rescind the previous motion and issue the license.

2) M.R.L. Deny for licensure based on unlicensed practice.

Ms. Clay left the meeting at 2:09p.m.; however, a quorum of the Board was still present and the Board proceeded to conduct business.

### **Applications for Board Review**

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

#### **Initial Applications**

- 1) V.B.N. Refer applicant to Attorney General's office for a Private Consent Agreement for unlicensed practice with fine of \$200. Refer the employer to Attorney General's office for cease and desist for aiding and abetting unlicensed practice with fine of \$500 and refer to the case to the Georgia Board of Chiropractic Examiners.
- 2) P.L.T. Table a decision pending additional information regarding criminal history.
- 3) D.C.W. Issue the license with a letter of concern regarding criminal history and notify applicant to answer all questions appropriately on applications.
- 4) D.D.W. Refer to Attorney General's Office for a Private Consent Agreement with a fine of \$500 for failure to disclose arrest history.

#### **Application-Transcripts Review**

- 5) M.F.B. Deny, does not meet educational requirements in accordance with Board Rules Chapter 345-8.
- 6) M.R.H. Deny, does not meet educational requirements.
- 7) N.L. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- 8) M.J.S. Deny, does not meet educational requirements.
- 9) H.C. Deny, does not meet educational requirements.
- 10) I.G. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- 11) Q.W. Deny, does not meet educational requirements.
- 12) T.B.Y. Deny, does not meet educational requirements.

#### **Endorsement Applications**

- 13) M.H.G. Deny, does not meet educational requirements.
- 14) X.J. Deny, does not meet educational requirements.
- 15) Y.W.W. Table a decision pending additional information regarding criminal history.
- 16) J.X. Deny licensure based on attendance to an unapproved school.
- 17) L.C. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- 18) M.B.C. Deny, failure to meet requirements for licensure.

#### **Inactive Status Requests**

- 19) C.H. Approve inactive status.
- 20) R.H. Approve inactive status.
- 21) A.W. Approve inactive status.

#### **Notification**

- 22) T.V.T.A. Refer to Attorney General's office for a hearing for revocation of license for aiding and abetting unlicensed practice.

#### **Reconsiderations**

- 23) D.G. Deny licensure based on attendance to a school with no NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- 24) C.K. Deny licensure based on attendance to an unrecognized school.
- 25) J.C.M. Rescind previous motion and approve for licensure based on NCBTMB provider code being reinstated.
- 26) D.R.S. Uphold the previous motion to deny for licensure.

#### **Reinstatement Applications**

- 27) B.S.L. Table a decision pending additional information.
- 28) J.P. Reinstatement the license with a letter of concern criminal history.
- 29) K.M.V. Refer to Legal Services for a Consent Agreement for Reinstatement of Licensure with a fine of \$750 for unlicensed practice from November 1, 2014-October 23, 2015.

**Transcript Requests**

30) J.S. Approve the release of the transcript

**Additional Applications**

- 31) F.S. Notify the applicant that the additional (40) forty hours in Pathology must be obtained from a Board recognized school.
- 32) D.E. Refer to Legal Services for a Consent Agreement for Reinstatement of Licensure with a fine of \$750 for unlicensed practice from October 31, 2014 – November 12, 2015.
- 33) B.J. Refer to Legal Services for a Consent Agreement for Reinstatement of Licensure with a fine of \$1000 for unlicensed practice from November 1, 2012-August 26, 2015
- 34) B.T. Issue license with a letter of concern regarding criminal history.
- 35) XM. Table pending review by NCBTMB.

**Adjournment** With no further business to be discussed, the meeting was adjourned at 3:45p.m.

**Minutes recorded by:** Tamara Elliott, Board Support Specialist  
**Minutes reviewed and edited by:** Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director  
**Minutes approved on:** April 29, 2016

CRAIG KNOWLES  
**BOARD CHAIR**

ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**