

**GEORGIA STATE BOARD OF MASSAGE THERAPY**

**Board Meeting Minutes**

**Professional Licensing Boards**

**237 Coliseum Drive, Macon, GA**

**Wednesday, November 30, 2016 - 9:00 a.m.**

The Georgia Board of Massage Therapy met on Wednesday, November 30, 2016. The following members were present:

**Board Members Present**

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

**Administrative Staff Present**

Adrienne Price, Executive Director  
Michelle Foster, Board Support Specialist  
Kathy Osier, Licensing Supervisor

**Board Members Absent**

None were absent.

**Attorney General's Office Present**

Betsy Cohen, Assistant Attorney General

**Visitors Present**

- 1) J. Calhoun Stallings
- 2) Laura Embleton, ABMP, Government Relations
- 3) Judy LeFave, AMTA GA Chapter Government Relations Chair
- 4) Donna Sarvello, NCBTMB, Vice President of Educational Support
- 5) James Specker, AMTA, Government and Industry Relations Director
- 6) Libby Eason, IASI/SI, Past President
- 7) Sharon Remaly, AMTA Georgia Chapter
- 8) Fran Cullen, Attorney at Law
- 9) Suzy Compere
- 10) Yanpeng Zheng
- 11) Raymond Taylor
- 12) Danqi Chang
- 13) Lingxia Zhang
- 14) Gene Hatcher, Attorney at Law
- 15) Dr. Kim Miller

**Call to Order** Mr. Knowles established that a quorum of three was present and called the meeting to order at 9:08 a.m.

**OPEN SESSION**

**Agenda**

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

**Open Session Minutes**

**1) October 28, 2016 Board Meeting Minutes**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted in favor of the motion approve the October 28, 2016 open session minutes as amended to correct grammatical errors.

**Licenses to Ratify: October 21, 2016 – November 23, 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 which were issued in accordance with Board Rules and Policies between Board meetings.

**Correspondence – Dawn Sutton – Request for Approval of Thai Yoga CE**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to notify the writer to submit a course outline and a copy of the training materials which are provided to participants for the Thai Yoga CE course for consideration by the Board.

**Speaker – Laura Embleton, ABMP, Government Relations Director**

Ms. Embleton expressed great appreciation to be a part of the subcommittee on revising the Massage Practice Act and that organizations are being invited to participate. She further expressed her gratitude for being allowed to be present today to address the Board. Ms. Embleton stated that she requested to speak with the Board to provide insight on the ABMP's position with regard to amendments to the Massage Practice Act. She indicated that overall, the ABMP applauds the Board's efforts to update the practice act and address human trafficking issues as they know that it is a huge problem, particularly within some of the modalities that people often associate with massage; however, ABMP feels that including certain language within the Massage Practice Act is not the way to address the problem.

Ms. Embleton remarked that generally, ABMP thinks that if states are going to go after prosecution of individuals engaging in acts associated with human trafficking, then the prosecution codes in criminal law should be strengthened to include a lot of language concerning aiding and abetting, increases in penalties and also more authority should be given to local authorities and prosecutors to conduct inspections. She further indicated that it has been their experience that law enforcement is not very willing to go into the Massage establishments and to investigate or regulate prostitution is because the District Attorneys are saying that they don't want to prosecute the cases when it's just a misdemeanor.

Ms. Embleton suggested that states strengthen the violation to a felony charge within the criminal code because when massage member groups and government organizations try to legislate human trafficking through the Massage Practice Act, it's a problem for massage therapists because it cheapens the profession. She provided examples of laws and ordinances that have passed in other states and jurisdictions which require posting of human trafficking information in windows, bathrooms, common areas, and the like of massage establishments when no such requirement is in place for any other licensed professionals.

Ms. Embleton stated that she understands that there is a problem when those engaged in human trafficking claim not to be performing massage and instead are doing bodywork; but the problem with regulating bodywork is that the practitioners all have different education and training requirements so it's not a one size fits all for regulating the bodywork professionals. Some bodywork modalities have national certifying with organizations. Others do not. It's been her experience that bodyworkers prefer to be unregulated; however, if regulation is warranted, there are different ways to get at bodywork. In example, she stated that the state of Colorado has a Natural Health Consumer Protection Act which requires certain actions by bodywork professionals in the name of consumer protection; however there is no specific regulation of bodywork. In conclusion, she stated that ABMP is opposed to regulating prosecution of human trafficking through the Massage Practice Act.

Mr. Knowles thanked Ms. Embleton for her statements and indicated they will be taken under consideration.

**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 the Board members: Mr. Knowles, Ms. Clay, and Ms. Nichols.**

**At the conclusion of the Executive Session of Wednesday, November 30, 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**

**Board Chair, Craig Knowles declared back to open session at 11:00 a.m.**

**9:30 – Applicant Interview – Y.Z.**

The Board voted unanimously in favor of the motion to request additional information to include certified, legible copies of original school records or logs of the respondent's clinical hours and/or an affidavit from the school

clinical supervisor to include detailed information to document that the respondent obtained sufficient clinical hours prior to the date of completion/graduation of the program. Once the information is received forward it to the Cognizant Board Member for review. If documentation supports that sufficient clinical hours were obtained before graduation, rescind previous motion and issue the license.

**Speaker – NCBTMB Updates – Donna Sarvello, VP of Educational Support**

Ms. Sarvello indicated that her purpose for wanting to speak with the Board was to clarify any information that the Board may have received from the Federation of State Massage Therapy Boards (FSMTB) concerning NCBTMB's willingness to work with them to improve continuing education. She shared that there was a breakdown in communication between NCBTMB and the Federation. Karen Armstrong of the Federation said from the podium at their annual conference that NCBTMB has 30,000 un-vetted continuing education classes. Ms. Sarvello stated his is absolutely not true. She continued that in 2013, NCBTMB started a new program of reviewing all CE courses to ensure that they meet the scope of practice and are taught to further a massage therapist's education. This program of review also included all past and current courses as the providers renew. She stated that the process for review of all the courses that were in place prior to 2013 will be finished by the end of the year.

Ms. Sarvello went on to reference that it was also stated during the Federation's annual meeting that NCBTMB closed the door on the Federation as it relates to working together. She told the Board that this is also not true. She continued to explain that everyone knew that NCBTMB and the Federation were to work together when it came to Continuing Education because a letter was sent out to everyone about the collective partnership. Ms. Sarvello indicated that the Federation asked NCBTMB to essentially perform "a data dump" which would entail a sharing of all of the information within their database. She clarified that NCBTMB has personal and protected information within their database which prohibits sharing and therefore, they would not share this information with anyone including the Federation.

Ms. Sarvello stated that another point she would like to make is that in the first letter that the Federation sent over to NCBTMB, they wanted \$100 - \$125 per CE provider that went from NCBTMB to FSTMB every year. She stated that NCBTMB only charges \$225 every three years. She remarked that the Federation wanted to charge more fees than was charged originally and NCBTMB refused to increase their fees. Ms. Sarvello indicated that she just wanted to set the record straight regarding communications between the two organizations and acknowledged that NCBTMB appreciates FSMTB and everything they do for the profession and remains committed to working with them.

Ms. Sarvello added that NCBTMB is currently reviewing different ways to address energy work. In the future the organization will have a better handle on that coursework but if there are any stipulations on courses that are not accepted by any state, NCBTMB has and will put that information on their website if the Board so requests.

Mr. Knowles asked Ms. Sarvello if she knew why the Federation would have said that NCBTMB has 30,000 un-vetted continuing education courses. Ms. Sarvello stated that she had a conversation with a Federation staff person and at that time she shared that they had roughly 30,000 courses registered and that the old classes were in the process of being reviewed and as a result, she believes that staff person took that information to mean that they had 30,000 un-vetted courses. Ms. Knowles asked if any of the other Board members had any questions. There being none, she thanked Ms. Sarvello for the information presented.

**Discussion – Proposed Board Rule 345-5-.02 Endorsement for Military Spouses, Service Members**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer Board Rule 345-5-.02as presented to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

**Rule 345-5-.02. Endorsement for Military Spouses, Service Members and Transitioning Service Members**

(1) Any applicant for licensure identified as a military spouse, service member or transitioning service member of the United States armed forces, including the National Guard, shall be issued a massage therapy license if the applicant:

(a) Has submitted a complete application for licensure by endorsement on a form provided by the Board, to include all supporting documents, in the English language;

(b) Has paid the application fee;

(c) Is lawfully present in the United States; and,

(d) 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;

(2) In accordance with O.C.G.A. §43-1-34, an applicant subject to the terms of this rule must also submit proof of the following:

(a) Verification of a current license, in good standing, as a massage therapist issued by another state, including a copy of its licensing laws for massage therapist, whose training, experience, testing and standards for licensure substantially equal to or exceeds the Georgia licensure requirements; and,

(b) Documentation of specialty, certification, training or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state.

(3) The Board may request additional verification of any requirements or credentials as it may deem necessary.

**Cite as Ga. Comp. R. & Regs. R. 345-5-.01**

**Authority: O.C.G.A. §§ 43-1-3, 43-1-7, 43-1-19, 43-1-24, 43-1-25, 43-1-34, 43-24A-7 and 43-24A-13.**

**History.** Original Rule entitled "Licensure by Endorsement" adopted. F. July 5, 2007; eff. July 25, 2007.

**Repealed:** New Rule of same title adopted. F. Sept. 9, 2008; eff. Sept. 29, 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.

**Repealed:** New Rule of same title adopted. F. Oct. 30, 2013; eff. Nov. 19, 2013.

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, business or corporation 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.

**Petition for Rule Waiver**

**1) Coastal Pines Technical College - BR 345-8-.03(1)(f)**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant the petition for waiver of Board Rule 345-8-.03(1)(f) based upon proof of exemption status with the Nonpublic Postsecondary Education Commission and proof of accreditation by the Southern Association of Colleges and Schools.

**2) Wiregrass Georgia Technical College – BR 345-8-.03(1)(f)**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to grant the petition for waiver of Board Rule 345-8-.03(1)(f) based upon proof of exemption status with the Nonpublic Postsecondary Education Commission once the program has submitted their accreditation documentation.

**3) Kimberly Rollo – MT005014 – BR 345-4-.02(4)**

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(4) due to insufficient evidence to substantiate a hardship.

**Petition for Rule Variance**

**1) James Smith – MT004861 – BR 345-4-.02(1)(a)**

Ms. Clay motioned, Ms. Nichols seconded and the board voted unanimously in favor of the motion to deny the petition for variance of Board Rule 345-4-.02(1)(a) due to insufficient evidence to substantiate a hardship.

**Legislative Subcommittee Report – C. Knowles**

**1) Subcommittee Suggestions/Requests:**

- a. Consideration of listing the various practices/modalities the Board desires to include in the profession of “bodywork”**
- b. Consideration of tiered license approach to coincide with the list of practices/modalities included in “bodywork”**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to table the discussion until the January 13, 2017 meeting, for the Board members to consider which professions will be included under the “bodywork” profession and how the actual professions will be tiered.

**2) Additional submissions for the Board to consider concerning the Subcommittee**

- a. Libby Eason - Request to Add Federation of Massage, Bodywork and Somatic Practice Organizations to the Legislative Subcommittee**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny Ms. Eason’s request to add the Federation of Massage, Bodywork and Somatic Practice Organizations to the Legislative Subcommittee and rescind their previous motion not to allow subcommittee members to share the working drafts of the amended practice act with the identified stakeholders.

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to allow Libby Eason to share the draft of the amended practice act with the entities that submitted comments to the Board so that they may submit responses to the Legislative Subcommittee.

- b. Andrea Wiener, Feldenkrais Guild Gov. Rel. Admin. – Request to Participate in Practice Act Review**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to notify the writer that FGNA will be allowed to participate through a subcommittee contact to be determined during the next subcommittee meeting.

- c. AOBTA Questions Regarding Board Intent to Change Practice Act**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to allow staff to share excerpts of the board meeting minutes to address the writer’s questions.

- d. APTA – Request to Maintain Exempt Status**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to thank APTA for their correspondence and notify them that the subcommittee will take their requests under consideration.

- e. ISMETA – Request to Maintain Exemption Status**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to thank ISMETA for their correspondence and the subcommittee will take their requests under consideration.

- f. USTA – Concerns About Inclusive Approach to Identifying Bodywork**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to notify USTA that the legislative subcommittee is presently working on additional language to define bodywork and the subcommittee will take their concerns under consideration.

- g. BCTA/NA Biodynamic Craniosacral Therapy Association of North America- Request to Maintain Exemptions**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to thank BCTA/NA for their correspondence and the subcommittee will take their requests under consideration.

**Education Report – C. Knowles**

**1) U.S. Department of Education Audit or Review**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer the following schools to the Attorney General’s Office for advice regarding options to approach Massage Therapy

Educational Programs which have failed an audit or are under review by the U.S. Department of Education and the Board's liability:

- a. **The Elaine Sterling Institute**
- b. **International School of Skin, Nails and Massage Therapy**
- c. **Miller-Motte Technical College – Augusta**
- d. **Miller-Motte Technical College – Columbus**

2) **NPEC or NCBTMB Review**

- a. **Albany Therapeutic Massage – NPEC**

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

- b. **Atlanta School of Massage – NCBTMB**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to table a decision until the January 13, 2017 Board meeting to ensure the program received proper notice via certified mail.

- c. **Woodruff - Lake Lanier School of Massage**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to maintain the recognition status until the January 13, 2017 Board meeting and if proof of NPEC renewal is not received by that date, the Board will reconsider.

3) **New Programs**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant recognition status to the following educational programs if the Educational Cognizant finds the schools meet the Board requirements. If requirements are not met the Board will review during the January 13, 2017 Board meeting.

- a. **Coastal Pines Technical College – Recognition Status Review (New Program)**
- b. **Wiregrass Georgia Technical College – Recognition Status Review**

4) **Program Changes**

- a. **Peachtree City School of Massage – Curriculum Change**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the curriculum change due to the program exceeding basic requirements for recognition status.

- b. **The Elaine Sterling Institute – Classroom Expansion**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the expansion based upon the additional space being at the same location.

**Executive Director's Report – A. Price**

The Executive Director's report presented the Board with statistical data relevant to the processing of applications and complaints/compliance. Ms. Price also explained that as of November 7, 2016, 2245 licensees never established an account on CE Broker to record their continuing education credits. She added that 4757 licensees established accounts but did not record evidence of having completed all of the requirements. Ms. Price said the Board will need to determine what, if anything, is to be done about individuals who failed to register and enter their CE as well as those who did register but did not record any evidence of completing the CE requirements.

Ms. Price stated that O.C.G.A. § 43-24A-14(b) states that all applications for renewal of a license shall be filed with the division director prior to the expiration date, accompanied by the biennial renewal fee prescribed by the board and certifying that all current requirements of continuing education as determined by the board have been fulfilled. Board Rule 345-4-.02(1) states that 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. Ms. Price continued, the Board Rule further states that 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.

Ms. Price queried the Board and the Assistant Attorney General that based upon the statutes and rules, if a licensee is selected for CE Audit and it is discovered through the audit process that the licensee falsely certified that all current requirements of continuing education as determined by the Board have not been fulfilled, does the statutes and rules permit the Board to lapse the license without any further action by the Board? Assistant Attorney General, Betsy Cohen indicated that she would not be able to provide a response without looking at it more closely.

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to submit a referral to the Attorney General's Office to determine if a license should be lapsed if it is discovered that a licensee falsely certified that he or she has met the continuing education requirements and the license has not yet been renewed to the new expiration date.

Ms. Clay motioned and Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the Executive Director's Report as presented.

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

Mr. Knowles shared with the Board that the Legislative Subcommittee met once in November 2016 and will meet again on December 7, 2016 via teleconference. He indicated that he had nothing further to report.

### **Miscellaneous Discussions**

The Board entered into a discussion and review regarding Board Rule 345-4-.02.

**Basis for Review:** During the audit process for renewals, the Cognizant Board Member and staff identified that renewal applicants were not reviewing the laws, rules and policies of the Board which collectively provide a complete picture of the continuing education requirements and the method by which the Board determines which courses will be accepted. Additionally, it was discovered that applicants did not always understand when they could claim exemption status. As a result, the Cognizant recommended that the language of the rule be amended to provide additional guidance to applicants and licensees regarding the continuing education requirements.

### **Rule 345-4-.02. Continuing Education Hours**

(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 [as codified in O.C.G.A. § 43-24A-3\(9\)](#), 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](http://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 [which are](#) assigned a provider code number by NCBTMB [and offer courses on topics related to the practice of massage therapy in the state of Georgia](#).

(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~~ has graduated from a Board recognized massage therapy education program within the first year of the biennium and is licensed ~~during the second~~ first 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 obtained by other ~~massage therapy related CE hours~~ methods of administration.

(6) An applicant who has ~~having~~ graduated from a Board recognized ~~approved~~ massage therapy education program and been issued a license within ~~one~~ the second year of the biennium renewal period ~~their application date~~ shall be exempt from continuing education requirements for ~~their~~ that 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 prior to ~~of~~ the date of their reinstatement application to the ~~B~~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.

Cite as Ga. Comp. R. & Regs. R. 345-4-.02

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

History. Original Rule entitled "Continuing Education Hours" adopted. F. July 5, 2007; eff. July 25, 2007.

Repealed: New Rule of same title adopted. F. Mar. 9, 2009; eff. Mar. 29, 2009.

Repealed: New Rule of same title adopted. F. Nov. 3, 2010; eff. Nov. 23, 2010.

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

Amended: F. Sep. 2, 2015; eff. Sep. 22, 2015.

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

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, business or corporation 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.

**Violations of Continuing Education Requirements for the 2014-2016 biennium**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to send all applicants in violation of 345-4-.02 letters of deficiency in which they must submit requested continuing education documents within thirty days of receipt of the notice. If applicants are unable to provide requested documents, they will be referred to legal services in accordance with Board Policy D7.

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of motion to not accept any CE that does not fall within the scope of practice effective November 1, 2016.

Ms. J. Calhoun Stallings briefly addressed the Board regarding her application for licensure. She remarked “My application has been pending since August and I am unable to determine what the problem is via the on-line checklist.” Ms. Price indicated that she will have someone speak with her privately regarding her application as applications are confidential in nature.

**Ms. Nichols motioned, Ms. Clay seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-2(k) (1) (2), O.C.G.A. § 50-14-2(1). O.C.G.A. § 43-1-2(k) (4), O.C.G.A. § 43-1-19(h) (2) & (4) to receive and review information pertaining to Applications. Voting in favor of the motion were those present who included the Board members: Mr. Knowles, Ms. Clay, and Ms. Nichols.**

**At the conclusion of the Executive Session of Friday, October 28, 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**

**1:00 Personal Appearance**

**D.C.** Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to table a decision pending receipt of additional information. If the information provides the required verification of education, rescind the previous motion and issue the license.

**L.Z.** Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to table a decision pending receipt of additional information. If the information provides the required verification of education, rescind the previous motion and issue the license.

**MT150081** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to decline to amend the reason for withdrawing recognition status per Respondent’s request. Additionally, the Board declines to rescind the decision to deny acceptance of the CE courses from the respondent as this time. May submit a new petition upon proof of reinstatement of NCBTMB Provider Number.

**2:00 Personal Appearance**

**Z.Z.** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to table a decision pending receipt of additional information. If the information provides the required verification of education, rescind the previous motion and issue the license.

### **Discussion - Rule 345-4-.03 Continuing Education Providers**

The Board entered into a discussion and review regarding Board Rule 345-4-.03.

**Basis for Review:** During the audit process for renewals, the Cognizant Board Member and staff identified that renewal applicants and the public did not always understand that a course offered by a NCBTMB Approved Continuing Education Provider does not equate to automatic acceptance by the Board. As a result, the Cognizant recommended that the language of the rule be amended to provide additional guidance to applicants and licensees regarding the approval of continuing education by the Board.

### **Rule 345-4-.03 Continuing Education Providers**

(1) Approval of continuing education hours is within the Boards discretion. The Board may 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](http://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 on CE broker within seven (7) days of completion of the course for all class attendees which hold a license and have provided consent to release such information to CE Broker.

(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.

(4) Providers who fail to report the CEs in accordance with this rule will be removed from the list of approved NCBTMB providers for this state and reported to NCBTMB for noncompliance.

(5) A licensee may not claim any CE hours which do not match corresponding course credit information recorded in CE Broker.

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.

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion to adopt Board Rule 345-4-.03 and to refer the proposed amendment to Board Rule 345-4-.03 to the Attorney General's Office for a Memorandum of Authority and if no objections noted, vote to post.

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, business or corporation 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.

#### **Request for Extension on CE – T.M.**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to deny the licensee's request for an extension in the timeframe to complete the continuing education requirements based upon the request being submitted after the license has lapsed and there being no application for renewal on file for the Board to consider. Instructed staff to provide the licensee information regarding options for renewal at this point.

#### **Executive Minutes**

##### **1) October 28, 2016 Executive Minutes**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to approve the October 28, 2016 executive session minutes as amended to correct grammatical errors.

#### **Attorney General's Report**

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

#### **Cognizant 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:

**MT140077** Refer the case to the Attorney General's Office for a summary suspension and a hearing for revocation of licensure for violation of Consent Order.

**MT160048** Refer to Legal Services for a Public Consent Agreement with a Fine of \$500 for providing false information on an application to the Board.

- MT160107** Close the case with no action.  
**MT170007** Renew license and notify the respondent and their legal representative that renewal of the license does not waive the rights of the Board to pursue disciplinary in this case if warranted.  
**MT170008** Refer case to the Attorney General's Office for a Public Consent Order for aiding and abetting unlicensed practice with a fine of \$500 due upon docketing including requiring the Respondent to take an additional 12 hours of continuing education in business ethics.  
**MT170009** Request a statement from the respondent concerning allegations of unprofessional conduct and obtain any supporting documents to include copies of text messages between the complainant and the respondent.  
**MT170016** Table a decision pending the outcome of the respondent's scheduled court date on 11-30-2016.  
**MT170026** Close the case with no action.

**Ratification List of Orders Issued by Policy**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to ratify the list of Private Consent Agreements issued in accordance with Board rules and policies between meetings as presented.

**Applications for Board Review**

**NCB Complaint**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to accept the following recommendation made in executive session:

- W.A.** Renew the license.

**Provisional Permit**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the following recommendation made in executive session:

- C.K.** Deny licensure based on failure to complete an educational program recognized by the Board in accordance with O.C.G.A. § 43-24A-8(6).

**Request for Reconsideration**

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:

- F.G.** Table pending receipt of additional information.  
**T.L.** Table pending receipt of additional information.  
**C.P.** Table pending receipt of additional information.  
**H.X.** Table pending receipt of additional information.

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the following recommendation made in executive session:

- Y.C.** Deny licensure based on failure to complete an educational program recognized by the Board in accordance with O.C.G.A. § 43-24A-8(6).

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to accept the following recommendation made in executive session:

- L.H.** Rescind previous motion and issue the license.

**Renewal**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to accept the following recommendation made in executive session:

- A.B.** Must submit proof of having completed the required 12 hours of Hands-On Continuing Education

courses in accordance with board rules within thirty (30) days of notice. If Continuing Education courses are not submitted issue fine in accordance with Board Policy D7.

- A.B.** Renew the License.
- B.F.** Renew the license with a letter of concern regarding criminal history.
- M.M.** Must submit proof of having completed the required 12 hours of Hands-On Continuing Education courses in accordance with board rules within thirty (30) days of notice. If Continuing Education courses are not submitted issue fine in accordance with Policy D7.
- V.P.** Refer to Legal Services for a Public Consent Order with a fine in accordance with Board Policy D7 for failure to obtain continuing education during the biennium as required by BR 345-4-.02(1)(d)(1).
- J.L.** Refer to AG office for a NOH for violation of CO to seek Revocation. The Board will accept a Public Consent Order for Suspension of License. Prior to petitioning for restoration of the license, the Respondent must submit the results of a MPE from a provider approved by the Board and a fine of \$500 for failure to meet the requirements of the previous consent order.

**Transcript**

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:

- E.B.** Deny licensure based on failure to complete an educational program recognized by the Board in accordance with O.C.G.A. § 43-24A-8(6) and deny application the respondent submitted for the Board to grant recognition status of the respondent’s massage therapy education program based upon the fact that the application is incomplete and was not submitted by program.
- W.B.** Deny licensure based on failure to complete an educational program recognized by the Board in accordance with O.C.G.A. § 43-24A-8(6).
- E.L.** Deny licensure based on failure to complete an educational program recognized by the Board in accordance with O.C.G.A. § 43-24A-8(6).

**Inactive Status Ratify List**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to ratify the list of Inactive Status Applications that were processed in accordance with Board rules and policies as presented.

**Adjournment** With no further business to be discussed, the meeting was adjourned at 5:03 p.m.

**Minutes recorded by:** Michelle Foster, Board Support Specialist  
**Minutes reviewed and edited by:** Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director  
**Minutes approved on:** January 13, 2017

CRAIG KNOWLES  
**BOARD CHAIR**

ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**