

**GEORGIA STATE BOARD OF MASSAGE THERAPY**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**Friday, January 13, 2017 - 9:00 a.m.**

The Georgia Board of Massage Therapy met on Friday, January 13, 2017. 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**

David Stubins, Sr. Assistant Attorney General

**Visitors Present**

- 1) Jane Johnson, AMTA Georgia Chapter
- 2) Cindy Farrar
- 3) Moon Chong, AMTA Georgia Chapter
- 4) Libby Eason, IASI/SI Past President
- 5) Vivian Davis
- 6) Sharon Remaly, AMTA Georgia Chapter
- 7) Laurie Pratt, AMTA Georgia Chapter
- 8) Linda Soutar, AMTA Georgia Chapter
- 9) Mary Lou Ross
- 10) Tiffany Gaiters, AMTA Georgia Chapter
- 11) Lisa Aspy, AMTA Georgia Chapter
- 12) Patsy Dugger, AMTA Georgia Chapter
- 13) Jinhan Xie
- 14) Judy LaFave, AMTA Georgia Chapter, Government Relations Chair
- 15) Krista Harris
- 16) Ming He
- 17) Yumei Wu
- 18) Ziyuan Zuo
- 19) David Head
- 20) Li Chen
- 21) Mark Brower
- 22) Tao Liu
- 23) Haiying Liu

**Call to Order** Mr. Knowles established that a quorum of three was present and called the meeting to order at 9:35 a.m.

**OPEN SESSION**

**Agenda**

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

**Open Session Minutes**

**1) November 30, 2016 Board Meeting Minutes**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to approve the November 30, 2016 open session minutes as presented.

**2) November 18, 2016 Legislative Subcommittee Meeting Minutes**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor to approve the November 18, 2016 Legislative Subcommittee minutes as presented.

**3) December 7, 2016 Legislative Subcommittee Meeting Minutes**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the December 7, 2016 Legislative Subcommittee minutes as presented.

**Licenses to Ratify: November 23, 2016 – January 6, 2017**

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 – Response Concerning Approval of Thai Yoga CE**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to notify the writer that the Thai Yoga course would not be accepted by the Board. The Board feels that this course is considered as a movement practice and does not fall within the scope of practice of massage in the state of Georgia.

**Correspondence – Shirley Henderson, President, Apollo Classes – Question on CE Certificates of Completion**

Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to notify the writer that a course completion date may be used for both the “took” and “completed” dates on the Continuing Education certificate for an online course.

**Discussion – Libby Eason – Request for transparency on FSTMB Influences**

Mr. Knowles responded to Ms. Eason’s letter by stating that FSMTB’s mission statement is on their website. After reading the FSMTB’s mission statement, Mr. Knowles continued to say FSTMB’s goal is to support member boards in carrying out its mission by facilitating communication, providing education services and supporting the efforts of the member boards as it relates to the regulation of massage therapists. The Federation has an annual meeting each year where they invite one delegate from each member Board to come and discuss the needs, problem areas and areas for advancement within the massage profession for the upcoming year.

Ms. Eason asked if the changes with the Continuing Education requirements for Massage Therapists in the state of Georgia is part of FSMTB’s direction. Mr. Knowles assured Ms. Eason that the issue she referred to had nothing to do with the Federation. He further requested that Ms. Eason direct any further questions concerning FSMTB to that entity for a response.

Ms. Eason stated she had been familiar with FSMTB since its inception because of her involvement in the field. She expressed that some of what she has heard from her profession is that FSMTB considers all professions under the umbrella of Massage Therapy and that they are guided by an unstated agenda. Ms. Eason wanted to know if the actions of the Board are related to FSMTB. Ms. Price informed Ms. Eason the Board began reviewing continuing education courses more closely when the Board began receiving more questions from the public concerning which continuing education courses are within the scope of practice of massage in the state of Georgia. Ms. Eason further inquired if there was documentation on who posed the questions regarding continuing education. Ms. Price directed her to the website to review the Board’s minutes.

**Discussion – AMTA Board of Directors (BOD) Responses RE CE Approval**

- 1. AMTA Expresses Concerns on FSMTB Proposal\_03132012**
- 2. Jeff Smoot, AMTA President\_Ltr Supporting Improved CE Process thru NCB\_12112015**
- 3. AMTA BOD\_Ltr of Objection to FSMTB on REACH\_03282016**
- 4. AMTA BOD\_Ltr to FSMTB of Support for NCB\_102016**
- 5. AMTA BOD\_Email to All State Boards on Position\_10052016**

Mr. Knowles shared with those present that Donna Sarvello, NCBTMB Vice President of Education Support, addressed the Board during the November 30, 2016 Board Meeting. During that meeting the above referenced correspondence was brought to the Board’s attention. The Board had not received copies of all of the correspondence and asked that they be forwarded to the Board for review. At Ms. Price’s suggestion, Mr. Knowles

provided a summary of the nature of the correspondence to attendees by stating that approximately a year ago FSMTB and NCBTMB began working together to create a unified Continuing Education program. The two agencies have since separated because their working relationship was strained. The Board currently recognizes NCBTMB's Continuing Education Providers and not the Federation's since the Federation's continuing education program is in the beginning stages of development.. These letters simply reflect the exchange between the two groups regarding their efforts to collaborate.

### **Petition for Rule Variance**

- 1. Patty Wruble – MT004737 - BR 345-4-.02 –Additional Information as Requested**
- 2. Patty Wruble – MT004737 – BR 345-4-.02 – -Original Petition Tabled 10/28/2016**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to grant the petition for variance of Board Rule 345-4-.02(1)(a) on the basis that the documentation provided demonstrates a substantial hardship.

### **Open Records Request – Andrea Wiener, Feldenkrais Guild of North America**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to release copies of public records in accordance with the Open Records Act.

### **Legislative Subcommittee Report – C. Knowles**

- 1. Summary of Meetings**
- 2. Current Draft of Proposed Amendments to O.C.G.A.§ 43-24A**
- 3. Additional submissions for the Board to consider concerning the Subcommittee:**
  - a) Correspondence from USTA.**
  - b) Correspondence from AOBTA.**

Mr. Knowles informed meeting attendees that there was a Legislative Subcommittee developed to review the current Georgia Massage Therapy Practice Act and to suggest language for amending the statute to address areas of concern for the Board. He noted that out of the work of the subcommittee the Board has been presented with two drafts. He stated that he would first allow Judy LaFave, AMTA-GA representative to speak concerning the draft they provided followed by Ms. Eason, who served as Past Chair of the IASI Legislative and Regulation Committee and a Legislative Subcommittee liaison to some of the bodywork professions to speak about the version that she and Ms. Deborah Nimmons, Chair of the IASI Legislative and Regulation Committee, prepared.

Judy LaFave, AMTA Georgia Chapter, spoke on behalf of the AMTA-GA's involvement with the Legislative Subcommittee as it relates to amendments to O.C.G.A.§ 43-24A. She indicated that the AMTA-GA brought ideas to the table that they thought would serve to elevate the profession in regards to city and county legislation. As an example she reported that the establishment of a pocket card/photo ID system was on their agenda. The ID is to be kept in a therapist's pocket so if requested, it can be presented. Ms. LaFave provided a summary of the work of the subcommittee to include removing some of the exceptions of the law and establishing a bodywork license and scope of practice that will address and protect the interests of the exempt professions as well as AMTA-GA's interests.

Ms. LaFave stated that in their dealings with the local municipalities, cities and counties, it has been noted that the current statute describes a Massage Therapist as an individual therapist. This causes the city officials to treat Massage Therapists as they would any establishment. So AMTA is looking to get away from the term, "establishment." She remarked that there is nothing in the current statute that speaks to Massage Therapists as businesses. Ms. LaFave further indicated that on Wednesday, a group of the AMTA Georgia Chapter were at the State Capitol for their Legislative Education Day and talked to several legislators about amending the massage therapy statute. She stated that the lawmakers would drop into the AMTA's meeting to inquire about their initiatives and wanted to know when they would receive the amendments. She remarked that each legislator would stress the fact that the amendments need to be simple and not in the spirit of one-size-fits-all. Individuals need to understand the draft when they read it and it needs to be clear.

Ms. LaFave continued to relate that in preparing for the proposing a statutory amendment, her group looked at the City of Milton. She said that when first reading their ordinance, it looks great. Nevertheless, you go through their

Community Development Department and that department comes back and says Massage Therapists have to work with a Physical Therapist or Chiropractor. Ms. LaFave specified that according to that ordinance, Massage Therapists couldn't be in an office alone or work with a group of therapists. Ms. LaFave stated that these local governments are discriminating against the profession. She shared that specific language was added throughout the proposed statute to consider Massage Therapists as health care professionals and that they are not to be treated any differently than any other health care professional.

Ms. Harris, a meeting visitor, requested to speak. She stated that she has been a licensed Massage Therapist in Florida and Georgia since 2000 and she's also a Yoga instructor. She described how she was teaching a Yoga and Tai Massage course for the public. A student of Ms. Harris' was inspired to learn Tai Massage and the student asked about getting a certification. She responded that she did not certify people in Tai Massage or Bodywork. Ms. Harris continued to explain that this student sought out a Tai Massage therapist who is recognized by the NCBTMB and who provides continuing education coursework on the subject. The student took their weekend course, then got a business license, and is now doing Tai Bodywork right down the street from her. Ms. Harris shared that this is after only taking one weekend course with no background in Massage Therapy or Structural Integration. She stated that it is very concerning and alarming to her considering she went to a school in 1999 and was required to take 750 hours and that she has maintained her CEs every year. Ms. Harris was frustrated and frightened to think that this person can take a weekend course and is now doing soft touch manipulation right down the street from her. She asked the student directly how they were able to get a business license because she was required by law to get photographed and fingerprinted. And the student responded that they walked in with the list of excepted practices from the statute to show that Tai Bodywork is exempt, and the city issued the license.

Mr. Knowles stated that this is not protecting the public and protecting the public is what everyone gathered here is trying to do. Mr. Knowles asked if Ms. Eason would now discuss her role in with the subcommittee and her version of the proposed amendments to the statute.

Ms. Eason reported that she and Ms. Deborah Nimmons, Chair of the IASI Legislative and Regulation Committee, served as liaisons to IASI (International Association of Structural Integrators), ISMETA (International Somatic Movement and Therapy Association), USTA (United States Trager Association), BCTA/NA (Biodynamic Craniosacral Therapy Association of North America), FGNA (Feldenkrais Guild of North America), APTA (American Polarity Therapy Association) and FMBSPPO (Federation of Massage, Bodywork and Somatic Practice Organization), began stating her group's role in preparing a separate legislative draft. She shared that Ms. Nimmons did the bulk of the heavy lifting on their version of the statute as she is an attorney.

Ms. Eason described that their changes were modeled after the current nursing statute model in order to facilitate getting a tiered approach to bodywork professions into the proposed final statute and hopefully into Board Rules. She continued that their model establishes recognizes professions that have reached maturity and have their own qualifications and educational standards. Moreover, Ms. Eason shared that her group wants to be able to determine how each segment is recognized in order to separate out the people who are not qualified. Ms. Eason detailed her reasoning by saying that because Senator Unterman is the legislator who will likely be the individual to review the statute in committee, she may be more willing to support this approach because she is a nurse and will understand the reasoning behind using this tiered approach. Ms. Eason expounded that it is her group's interest to protect the public, in addition to protecting their professions from being inappropriately regulated if regulation is to occur.

After some additional discussion with members of the public to include the letters submitted by the AOBTA and the USTA, Mr. Knowles noted that in each draft, individuals who engage in movement practices that do not manipulate tissue and do not cause their clients to disrobe will remain exempt. However, if a client takes anything (clothes) off, the therapist must be licensed. He continued to say that it is important to make that distinction so that when Board investigators go in, if anything is taken off, they will know that the therapist should be licensed. There would be no guesswork for our investigators and they should not have to guess. They should be able to go in and know specifically if the therapist should be licensed. And the clothing clause addresses that specifically. If the client takes off anything, the therapist must be licensed.

Mr. Knowles thanked members of the public, Ms. LaFave and Ms. Eason for their reports. He stated that the Board will table the matter to further deliberate on the proposed amendments and the additional correspondence from AOBTA and USTA in Executive Session.

### **Education Report – C. Knowles**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the Education Report and recommendations as follows:

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

- a) Atlanta School of Massage – US Dept. of Ed Final Audit Determination – Notify the program that should their NPEC Authorization become encumbered (restricted or limited) and/or is revoked, the Board will unrecognize the program in accordance with Board Rule 345-8-.03.

#### **2. NPEC or NCBTMB Review**

- a) Atlanta School of Massage – NCBTMB – renewed to 11/7/2017 - Maintain board recognition status at this time.

#### **3. New Programs**

- a) Georgia Christian University – Table pending additional information and discussion.

#### **4. Staff Updates**

- a) Atlanta School of Massage – Accept new staff update as presented.

### **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 matters. Ms. Price then relayed to the Board that staff has not yet been able to begin issuing notices to the 2245 licensees who never established a CE Broker account and the 4757 who established accounts but did not record evidence of having completed all of the requirements. The question as to whether or not the statute and rules allow the Board to lapse a license when a licensee has failed to comply with the CE requirements has been referred to the AG's office. Once the Board has received a response, it can better direct the staff on how to process these cases. Ms. Price reminded the Board that their annual affidavit with the Ethics Commission is due by January 31, 2017.

Ms. Price informed the Board that their application for licensure currently allows an applicant the option of submitting their own score reports rather than requiring that they be submitted directly from the source. She stated that the staff would prefer to receive the score reports from the source in order to ensure that there is little to no chance that the report has been tampered with. Additionally, since all documents are now scanned in via the Intake Department, it is sometimes difficult to tell that the documents are authentic since the envelopes that they arrive in are not maintained. She asked the Board if staff should maintain this language on the application.

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to require that score reports be emailed or mailed directly from NCBTMB or FSMTB to the Board and remove any language to the contrary from the application.

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

No report given.

### **Miscellaneous Discussions**

- 1. December 16, 2016 Legislative Subcommittee Minutes**
- 2. December 21, 2016 Legislative Subcommittee Minutes**
- 3. December 28, 2016 Legislative Subcommittee Minutes**
- 4. January 5, 2017 Legislative subcommittee Minutes**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to approve the December 16, 2016, December 21, 2016, December 28, 2016 and the January 5, 2017 subcommittee minutes as presented.

### **U.S. Department of Education Audits of Massage Therapy Educational Programs**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to send notifications to the schools that have failed audits that if their obligations are not fulfilled, the schools will lose their certification from NPEC. Copies of the correspondence must also be forwarded to the U.S. Department of Education.

**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, January 13, 2017, 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**

#### **12:00 Personal Appearance: M.H.**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to deny licensure based on O.C.G.A. § 43-1-19(a)(1), failure to demonstrate to the satisfaction of the Board that he or she meets all the requirements for the issuance of a license.

#### **1:00 Personal Appearance: Z.Z.**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to deny licensure based on O.C.G.A. § 43-1-19(a)(1), failure to demonstrate to the satisfaction of the Board that he or she meets all the requirements for the issuance of a license.

#### **2:00 Personal Appearance: L.C.**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to deny licensure based on O.C.G.A. § 43-1-19(a)(1), failure to demonstrate to the satisfaction of the Board that he or she meets all the requirements for the issuance of a license.

#### **2:30 Personal Appearance: T.L.**

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to deny licensure based on O.C.G.A. § 43-1-19(a)(1), failure to demonstrate to the satisfaction of the Board that he or she meets all the requirements for the issuance of a license.

### **Executive Minutes**

#### **1) November 30, 2016 Executive Minutes**

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the November 30, 2016 executive minutes as presented.

### **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.

- a) **MT150124** Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to close the case due to lack of credible evidence.
- b) **MT160022**
  - Y.L.** Refer to the Attorney General's Office for a hearing for revocation of licensure based on aiding and abetting of unlicensed practice and violations of Board rules.
  - P.Y.** Rescind the previous motion, renew the license and close the case against this respondent.
1. **MT110073** Refer to Attorney General's Office for a hearing for revocation of licensure for aiding and abetting of unlicensed practice and violations of Board rules.
2. **MT160010** Refer to Attorney General's Office for a hearing for revocation of licensure for aiding and abetting of unlicensed practice and violations of Board rules.

3. **MT150083** Amend the motion to reflect the cause for action as unprofessional conduct.
4. **MT160098** Refer to Investigations.
5. **MT160010** Refer to Attorney General's Office for a hearing for revocation of licensure for aiding and abetting of unlicensed practice and violations of Board rules.
6. **MT160075** Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to close the case and maintain recognition status.
7. **MT160039** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer the case to Investigations.

#### **Cognizant's Report – J. Clay**

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

1. **MT160027** Refer to Legal Services for a Public Consent Order with a fine of \$500 for failure to complete the C.E. requirements as outlined in Board Rule 345-4-.02(1)(a). Must submit proof of having completed an additional 12 hours of C.E. within two months of the effective date of the Order to satisfy the requirements of the 2013-2015 biennium. The C.E.'s submitted to satisfy the terms of the Order may not be used towards the 2016-2018 biennium. And refer the case to the Georgia State Board of Chiropractic Examiners.
2. **MT160044** Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to deny the request for an extension to pay fine and notify the Respondent that the fine must be paid in full by February 28, 2017. If the Respondent fails to comply, refer the case to the Attorney General's Office for a hearing of revocation of licensure or voluntary surrender.
3. **MT160049** Close the case with no action.
4. **MT170013** Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to notify the Respondent that the fine must be paid in or full by February 28, 2017. If the Respondent fails to comply, refer the case to the Attorney General's Office for a hearing of revocation of licensure or voluntary surrender.

#### **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.

#### **Executive Discussions**

##### **1. Request to Release Court Document – R.M.B.**

Ms. Clay motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to authorize the release of court documents as requested.

2. **MT150081** Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to refer the case to the Attorney General's Office to write a response letter to the Respondent concerning the fact that they are not entitled to an OSAH hearing as the Board does not have the authority to license schools.
3. **MT170014** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer the case to the Attorney General's Office to review O.C.G.A. § 43-24A-8(6) to clarify whether the statute requires a student to complete all 500 hours at a board recognized educational program or if the statute indicates that the student must only complete a board recognized educational program.

#### **Applications for Board Review**

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:

##### **Arrest**

1. **P.T.** Deny licensure based on criminal history in accordance with O.C.G.A. §43-1-19.

##### **Provisional Permit**

1. **F. W.** Table pending receipt of tax returns for the last three years.

#### **Request for Reconsideration**

1. **Y.C.** Uphold the previous motion to deny licensure. Applicant must complete 500 hours of massage therapy education in accordance with BR Chapter 345-8 to be eligible for licensure in this state.
2. **J.L.** Uphold the previous motion to deny licensure.
3. **M.S.** Uphold the previous motion to deny licensure.

### **Reinstatement**

1. **A.B.** Refer to Legal Services for a Private Consent Agreement for Reinstatement of Licensure with a fine of \$500 for failure to disclose arrest history.

### **Renewals**

1. **A.B.** Refer to Legal Services for a Private Consent Order with a fine of \$500 for failure to complete the C.E. requirements as outlined in Board Rule 345-4-.02(1)(a). Must submit proof of having completed the required 12 hours of Hands-on C.E. within two months of the effective date of the Order to satisfy the requirements of the 2013-2015 biennium, and the C.E.s submitted to satisfy the terms of the Order may not be used towards the 2016-2018 biennium.
2. **M.M.** Rescind the previous motion and refer to Legal Services for a Private Consent Order with a fine of \$500 for failure to complete the C.E. requirements as outlined in Board Rule 345-4-.02(1)(a). Must submit proof of having completed the required 12 hours of Hands-on C.E. within two months of the effective date of the Order to satisfy the requirements of the 2013-2015 biennium, and the C.E.s submitted to satisfy the terms of the Order may not be used towards the 2016-2018 biennium.

### **Transcripts**

1. **I.G.** Uphold the previous motion to deny basis of O.C.G.A. § 43-24A-8(6).
2. **D.M.** Issue the license.

### **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 the Board rules, policies and vote from the October 28, 2016 meeting.

### **Miscellaneous Discussions**

#### **1. Proposed Amendments to the Georgia Massage Therapy Practice Act**

Two different rough drafts of a bill to amend the Georgia Massage Therapy Practice Act were presented out of the work of the Legislative Subcommittee. After reviewing each version, correspondence from the public and engaging in a discussion with two members of the Legislative Subcommittee and members of the public, the Board voted to deliberate and release a position statement on the matter at a later date. To be included in the position statement are the following votes:

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the presentation of a Bill to the Georgia General Assembly that amends the Georgia Massage Therapy Practice Act, O.C.G.A. § 43-24A to include language which ensures that massage therapists and massage therapy businesses have equal protections under the law as other healthcare practitioners and healthcare businesses; and, provisions which grant the Board the power to develop and enforce reasonable and uniform standards for massage therapy educational programs, periodically evaluate massage therapy educational programs and deny or withdraw recognition from noncompliant programs. The Board is also in favor of being granted the authority to randomly select licensees to submit results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation at renewal or upon initiating an investigation in order for the Board to take more timely and appropriate actions.

Ms. Clay motioned, Mr. Knowles seconded the motion to in favor of amendments to the Georgia Massage Therapy Practice Act, O.C.G.A. § 43-24A that will grant the Board the authority to regulate and promulgate rules for the bodywork professions and practices identified in subsections 5 through 8 of O.C.G.A. § 43-24A-19; with the continued exclusion of the energy and movement professions and practices that do not undress the client or manipulate tissues. In the same vote the two (2) Board Members in favor of this amendment indicated no preference with regard to the amendment including a tiered approach to differentiate the categories of bodywork professionals

or granting the Board authority to promulgate rules to differentiate the level of education and training for bodywork professionals. Ms. Nichols opposed and the motion carried on a two to one vote.

Mr. Knowles motioned, Ms. Clay seconded and the Board voted unanimously to submit a response to AOBTA and USTA as discussed and to prepare a position statement concerning the proposed amendments to the Georgia Massage Therapy Practice Act to disseminate to the members of the Legislative Subcommittee and to the public via the Board website.

## **2. Incomplete Renewal Applications**

The Board entered into a discussion regarding the Board's authority as it relates to the processing of incomplete renewal applications and renewal applications which include a false attestation. Assistant Attorney General Stubins provided the Board some direction as it relates to BR 345-4-.01(4) and O.C.G.A. § 43-24A-14(b). Mr. Stubins indicated that he will provide a more detailed response to the Board as was previously requested during a future meeting.

## **3. Notices from the U.S. Department of Education**

Ms. Nichols motioned, Ms. Clay seconded and the motion carried unanimously that upon receipt of a notification from the US Department of Education of a massage therapy educational program audit that staff is to forward correspondence to the referenced programs to inform them that should their NPEC Authorization become encumbered (restricted or limited) and/or is revoked, the Board will withdraw recognition from the program in accordance with Board Rules.

## **5. The Statute and Board Rules**

The Board entered into a discussion concerning the need to conduct a thorough review of the Board rules as it relates to the statute and making necessary amendments. Assistant Attorney General Stubins suggested that the Board consider holding an additional meeting or two just to review and revise rules. It was the consensus of the Board that due to the possibility that the Georgia Massage Practice Act could change, they will wait until after the legislative session is near its end before making any further amendments to the rules.

**Adjournment** With no further business to discuss, the meeting adjourned at 8:20 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:**

February 24, 2017

CRAIG KNOWLES

**BOARD CHAIR**

ADRIENNE PRICE

**EXECUTIVE DIRECTOR**