

GEORGIA STATE BOARD OF MASSAGE THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, February 24, 2017 - 9:00 a.m.

The Georgia Board of Massage Therapy met on Friday, February 24, 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) Dwight Bunn
- 2) Che Chinn, ISSN
- 3) Elijah Azanga
- 4) Mandara Cromwell, ISTA
- 5) Abraham Pallas, CPTC
- 6) Krista Harris
- 7) Don Simmons, ISTA
- 8) Cliff Caldwell, CPTC
- 9) Elizabeth Lee
- 10) Hunter Gannells
- 11) Estalyn Banjao
- 12) Jinhao Xie
- 13) Olympia Herlo

Call to Order Mr. Knowles established that a quorum of three was present and called the meeting to order at 9:05 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. January 13, 2017 Meeting Minutes

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to approve the January 13, 2017 open session minutes as presented.

Licenses to Ratify: January 6, 2017 – February 17, 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.

Discussion - Claire Miller Seminars - Integrative Reflexology Certification

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to refer the writer to the statute for the scope of practice of Massage Therapy in the state of Georgia, specifically O.C.G.A. § 43-24A-19(5), and to Policy A9 as it is indicated that reflexology is an exception and not within the scope of practice of massage therapy in this state. As a result, the course will not be accepted for continuing education credit.

Open Records Request – Applicant Jing Wang

Ms. Nichols motioned, Ms. Clay seconded and the board voted unanimously in favor of the motion to approve the release of all records regarding Jing Wang to FSMTB as requested.

Petition for Rule Waiver/Variance

Krista Harris – MT005084 – BR 345-4-.01(1)(2)(4) and 345-4-.02 (1)(a)(c)(d)(2):

Ms. Clay motioned, Ms. Nichols seconded and the board voted unanimously in favor of the motion to grant the petition to vary BR 354-4-.01(1)(2)(4) and place the license in active-renewal pending status based on substantiated hardship. Table a decision on variance of BR 345-4-.02 (1)(a)(c)(d) & (2) pending receipt of additional information relevant to the hours submitted for the direct hands-on continuing education requirement.

Michaela Underwood-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 variance of BR 345-8-.03(1)(f) based upon substantiating that the standards for training and curriculum the program provided are consistent with and/or more stringent than those of the Nonpublic Postsecondary Education Commission as provided in Code Section 20-3-250.4.

Legislative Subcommittee Report – C. Knowles

No report given.

Education Report – C. Knowles

1. Faculty Change

i. Atlanta School of Massage

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

ii. Miller-Motte Technical College (Augusta)

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to accept the faculty change and maintain the recognition status of the massage therapy education program.

2. New Programs – Recognition Status Application

i. Coastal Pines Technical College

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant recognition status to the massage therapy education program.

ii. Wiregrass Georgia Technical College

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to grant recognition status to the massage therapy education program.

iii. Southern Regional Technical College

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to grant recognition status to the massage therapy education program.

3. Renewal and Audit Applications

i. Albany Therapeutic Massage Program

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

ii. Cohutta Healing Arts Institute

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to maintain the recognition status of the massage therapy education program provided that the program removes licensee L.S. from the list of instructors based on a failure to meet the requirements of BR 345-8-.02.

iii. Georgia Massage School

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

iv. Georgia Northwestern Technical College

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

v. Gwinnett College – Lilburn

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to maintain recognition status of the massage therapy education program provided that the program removes licensee J.H. from the list of instructors until such time that the licensee gains compliance with requirements of the Board.

vi. Gwinnett College – Sandy Springs

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to maintain recognition status of the massage therapy education program provided that the program removes licensees J.S., J.J. and T.P. from the list of instructors until such time that the licensees gain compliance with requirements of the Board.

vii. Touch for Healing School of Reiki Massage

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to maintain recognition status of the massage therapy education program provided that the program removes licensee M.A. from the list of instructors until such time that the licensee gains compliance with requirements of the Board.

viii. International School of Skin, Nailcare and Massage Therapy

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to maintain recognition status of the massage therapy education program provided that the program removes licensee K.N. from the list of instructors until such time that the licensee gains compliance with requirements of the Board.

ix. Virginia College – Savannah

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

4. Program Closure

i. Virginia College – Columbus

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to withdraw recognition effective February 7, 2017 based upon the program's request to surrender the massage therapy education program.

5. Responses to USDOE Notices

i. International School of Skin, Nailcare and Massage Therapy

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to notify the school that the Board must receive a copy of the final report from USDOE acknowledging the program's compliance.

ii. The Elaine Sterling Institute

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to notify the school that the Board must receive a certified copy of the final report from USDOE acknowledging the program's compliance.

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 February 22, 2017, 5040 licensees have established

some type of account with CE Broker. She continued that Staff has not yet been able to begin issuing notices to the 2245 licensees who never established an account and the 4757 who established accounts but did not record evidence of having completed all of the requirements. Ms. Price noted that if the Board would like to move quicker with reviewing and processing these potential violations, it would be her suggestion that she issue a list to each Board member to check in CE Broker to identify the deficiencies specifically so that the staff can generate via IT correspondence to each of them regarding their violations.

Ms. Price then addressed the CE Audit by reporting that the question as to whether or not the statutes and rules allows the Board to lapse a license has been referred to the AG's office. She clarified that the Board wanted to know if a license could be lapsed as of December 1st of a renewal year if a licensee made application to renew, was selected for CE Audit, falsely certified that they had met all current requirements of continuing education, and was notified of this violation prior to expiration of the license. She stated that this topic will be covered during the AG's Report.

Ms. Price enlightened the Board concerning current legislation. She stated that both the House and Senate of the GA Legislature convened on Monday, January 9, 2017 at 10 AM. Ms. Price indicated that all meetings of the State Legislature and their committees are open to the public and that most are held at the Capitol, except for the occasional field hearing or facility tour. She explained that meeting notices and meeting agendas are posted on <http://www.legis.ga.gov> and live broadcasts of the sessions from both chambers can be viewed from that site. Ms. Price continued that this session Friday, March 3, 2017 is legislative day 28 and Crossover Day. Sine Die will be Thursday, March 30, 2017 (legislative day 40).

Ms. Price concluded her report by sharing information on the pre-filed bills and resolutions that could potentially affect the business of the Board to include HR 169, HB55 and SB 2.

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

Board's Chair Report – C. Knowles

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to amend the previous vote on Southern Regional Technical College to maintain the recognition status of the massage therapy education program provided that the program removes licensee M.H. from the list of instructors until such time that the licensee gains compliance with requirements of the Board.

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to put on the Secretary of State website that CPR courses are not NCBTMB approved and therefore would not be acceptable for continuing education.

Miscellaneous

1. Correspondence – International Sound Therapy Association

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to request more information to include course outlines, objectives and outcomes for Board review in order to determine if the course falls within the scope of massage therapy as defined in O.C.G.A. § 43-24A-3(8).

2. Correspondence – Miller Motte Technical College (Augusta)

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion no notify the school that that as applications are confidential by law, the staff may communicate with the person or person(s) identified on the application; however, written correspondence from the Board office will be forwarded to the Program Director / Coordinator and/or the program's legal counsel if identified.

3. Ability to Stop Renewal If CE Not Provided in CE Broker

The Board entered into a discussion concerning features within CE Broker which would allow a licensee to apply for the renewal of their license; however, the license will not renew if the appropriate CE activities and hours have not been recorded into CE Broker. Ms. Price informed the Board that the state of Florida currently utilizes this feature.

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to seek advice from the Attorney General's Office as to whether or not the Georgia Massage Therapy Practice Act gives the Board the authority to stop the renewal of the license if the hours have not been properly recorded within CE Broker at the time the licensee makes application to renew the license.

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: Craig Knowles, Jennifer Clay and Pam Nichols.

At the conclusion of the Executive Session of Friday, February 24, 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

1:00 Personal Appearance: E.L.

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and issue the license based upon the school having NCBTMB approval at the time the applicant graduated.

1:30 Personal Appearance: E.B.

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to uphold the previous decision to deny licensure based upon a failure to demonstrate the qualifications or standards for a license [O.C.G.A. §43-1-19(a)(1)] and inadequate evidence of successfully completing a board recognized program O.C.G.A. § 43-24A-8(b)(6).

2:00 Personal Appearance: J.X.

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny licensure based on O.C.G.A. § 43-1-19(a)(10), failure to demonstrate to the satisfaction of the Board that he or she has the ability to practice with reasonable skill and safety to the public.

2:30 Personal Appearance: O.H.

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of amending the previous motion for a Consent Agreement for Licensure to include payment arrangements in the amount of \$50/month for 10 months in order to pay the fine in full and a violation of the arrangement will result in additional action by the Board.

3:00 Personal Appearance: M.S.

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to uphold the previous motion to deny licensure.

a) Request for Information Regarding Educational Credits

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to notify the school that not enough information was provided to adequately determine all of the program deficiencies but the program lacks a current, unencumbered NCBTMB School Provider Number as is required in BR 345-8-.03.

Executive Minutes

1. January 13, 2017 Executive Session Minutes

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the January 13, 2017 executive minutes as presented.

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

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:

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| 1. AG MEMO – BR 345-4-.04 Inactive Status | Table pending additional review |
| 2. AG MEMO – H.S. | Close the case based upon an inability to locate the respondent for service. Should respondent reappear, re-evaluate the case. |
| 3. AG MEMO – Rule 345-4-.02 Continuing Education Hours | Table pending additional review |
| 4. AG MEMO – P.Y., Y.L. | Close the case based upon insufficient evidence |

Cognizant’s Report – J. Clay

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

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|-----------------|---|
| MT130070 | Refer case to the Attorney General’s Office for a hearing for revocation of licensure or voluntary surrender based on non-compliance with Board Order. |
| MT150036 | Refer to Attorney General’s Office for a hearing for revocation of licensure or voluntary surrender for non-compliance with Board Order. |
| MT160033 | Refer to Attorney General’s Office for a hearing for revocation of licensure or voluntary surrender or interim suspension order until criminal cases are adjudicated. |
| MT160039 | Close the case with no action. |
| MT160066 | Close the case with no action. |
| MT160068 | Refer to Investigations for full statement and settlement information and proceed to a hearing for revocation. |
| MT170003 | Close the case with no action. |
| MT170062 | Close the case with no action. |
| MT170063 | Close the case, no jurisdiction. |

Ratification List of Orders Issued By Policy

Ms. Nichols motioned, Ms. Clay 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.

Miscellaneous Executive Discussions

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:

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| 1. Correspondence – A.B. | The Board accepts the correspondence from A.B. as information. |
| 2. Correspondence - MT160075 | The Board accepts the correspondence in reference to the Board’s previous decision as information. |
| 3. MT170056 | Based upon the Respondent’s response to the Board’s request and consideration of AG Advice, refer to the Attorney General’s Office for Private Consent Agreement for Licensure to include a requirement that the respondent must submit proof of having completed 12 hours hands-on continuing education related to the scope of massage therapy within ninety days (90) of the effective date of the Order. C.E.s submitted to satisfy the terms of the Order may not be used towards the 2016-2018 biennium. |
| 4. Open Records Request – USDOE | Send responses to questions as discussed. |
| 5. Request to Release Transcript – T.P. | Approve the release of the transcript to MS. |
| 6. Correspondence – A.B. | Deny the request to apply renewal fee towards the reinstatement fee. Applicant must apply for licensure by reinstatement and pay the full reinstatement fee. |

Applications for Board Review

Arrests

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

1. **M.J.** Table a decision pending additional information regarding disciplinary actions.

Provisional Permit

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

2. **J.P.** Table pending receipt of a complete application. Must submit missing documentation prior to the expiration date of the application.

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:

3. **C.J.** Deny request for inactive status. Applicant must reinstate.

Reinstatement

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

4. **J.L.** Table pending additional information regarding criminal history to include a detailed letter of explanation of the 2011 offense and the final disposition and/or arrest documents.
5. **B.T.** Table pending additional information regarding criminal history to include a detailed letter of explanation and final disposition of 2008 charges.
6. **A.R.** Refer to Legal Services for Private Consent Agreement for Reinstatement of Licensure with a fine of \$500 for unlicensed practice from November 1, 2016 to January 5, 2017.

Renewal

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

7. **M.R.** Deny request for extension and lapse license.
8. **D.R.** Deny renewal and lapse license for failure to comply with renewal requirements. If attempts to reinstate, Board to consider matter of false attestation.
9. **J.S.** 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). The C.E.'s submitted to satisfy the terms of the Order may not be used towards the 2016-2018 biennium.
10. **L.S.** Deny renewal and lapse license for failure to comply with renewal requirements.
11. **A.T.** Refer to Legal Services for a Private Consent Order with a \$500 fine for failure to complete 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. to satisfy the requirements of the 2014 – 2016 biennium, and the C.E.s submitted to satisfy the terms of the Order may not be used towards the 2016-2018 biennium.
12. **B.L.** Refer to legal services for a Private consent Order with a \$500 fine for false attestation on renewal application.

Transcript Review

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

13. **K.G.** Issue the license.
14. **W.H.** Deny licensure based on completion of a school with no current, unencumbered NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.

- 15. A.J.** Deny licensure based on completion of a school with no current, unencumbered NCBTMB School Provider Number in accordance with Board Rule 345-8-.03. and refer the file to FSMTB.
- 16. D.R.** Deny licensure based on completion of a school with an expired NCBTMB School Provider Number in accordance with Board Rule 345-8-.03
- 17. S.S.** Deny licensure based on completion of a school with no current, unencumbered NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- 18. Y.W.** Deny licensure based on completion of a school with no current, unencumbered NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- 19. E.S.K.** Deny licensure based on completion of a school with no current, unencumbered NCBTMB School Provider Number in accordance with Board Rule 345-8-.03.
- 20. J.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.
- 21. J.B.** Issue the license.

Miscellaneous Discussions

1. Fraudulent Schools

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion for the Board to send a letter to the Governor's Office of Consumer Affairs to request that office to bring suit against fraudulent massage therapy schools. Ms. Nichols is to draft the letter and forward it to the Attorney General's Office for review.

2. MT170011

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to schedule Complainant and Respondent for investigative interviews during the next meeting.

3. Continuation of Subcommittee

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

Adjournment With no further business to discuss, the meeting adjourned at 4:13 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:

April 28, 2017

CRAIG KNOWLES

BOARD CHAIR

ADRIENNE PRICE

EXECUTIVE DIRECTOR