

GEORGIA BOARD OF MASSAGE THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, April 28, 2017 - 9:00 a.m.

The Georgia Board of Massage Therapy met on Friday, April 28, 2017. The following members were present:

Board Members Present

Craig Knowles, Board Chair
Pam Nichols, Board Member
Donald Wood, Board Member

Administrative Staff Present

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

Board Members Absent

Jennifer Clay, Vice Chair

Attorney General's Office Present

David Stubins, Senior Assistant Attorney General

Visitors Present

Don Simmons, International Sound Therapy Association (ISTA)
Che' Chinn, International School of Skin, Nailcare & Massage Therapy (ISSNMT)
Charles Kennedy
Elisha Kennedy
Paula Thompson

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 9:04 a.m.

OPEN SESSION

Agenda

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

Open Session Minutes

1. February 24, 2017 Board Meeting Minutes

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to accept the February 24, 2017 open session Board meeting minutes as amended for grammatical errors.

2. March 7, 2017 Teleconference Minutes

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to accept the March 7, 2017 open session teleconference minutes as amended for grammatical errors.

Licenses to Ratify February 17, 2017 – April 21, 2017

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

Correspondence – FSMTB In Touch

1. Massage Therapy Licensure Database (MTLD)

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to notify FSMTB of the interest of the Board to become part of the Massage Therapy Licensing Database (MTLD).

2. Student Access to the Massage & Bodywork Licensing Examination (MBLEx) Records

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion for Mr. Knowles to draft a letter to all recognized Georgia massage therapy programs so they can alert their students of recent changes regarding access to MBLEx records. This is in accordance with the revised FSMTB Massage Education Policy that will go into effect July 1, 2017.

Correspondence - Verification of Foreign Educated High School Graduates

Ms. Price suggested that to verify the education of foreign educated high school students, the school should require their students to obtain a credentialing evaluation. She stated that there are several credentialing agencies listed on the Secretary of State website for this purpose.

Correspondence – American Organization for Bodywork Therapies of Asia (AOBTA) Letter to the Board

Mr. Knowles explained to those present that this piece of correspondence is relevant to the work of the Legislative Subcommittee that was formed by the Board to engage stakeholders in the process for amending the Georgia Massage Therapy Practice Act. He shared that AOBTA does not want the Board to regulate their profession because they do not define themselves as massage therapy. AOBTA is requesting documentation to support the reasons why the Board started the process of changing the statutes. It was the consensus of the Board that AOBTA questions concerning the formation of the subcommittee, its participants, and its assigned liaisons to various stakeholders have been asked and answered and will therefore not be addressed again. Mr. Wood motioned, Ms. Nichols entered a second and the motion carried unanimously to submit correspondence to the AOBTA:

- 1) Encouraging the organization to refer to the Board's website to review the minutes as it relates to the discussions relevant to the Legislative Subcommittee and the statute as those discussions occurred in open session; again informing them Board meetings were open to the public and is reflected in the minutes for anyone to go online to review;
- 2) Informing the organization that history reveals that other license types did attempt to regulate massage therapy without the consent or initial involvement of massage therapists; however, the state legislators determined otherwise, adopted a statute and the Governor signed it into law and to clarify that the Georgia General Assembly does not require the Board's consent to amend the statutes and laws of this state;
- 3) The Board disagrees with AOBTA analysis as it relates to the creation of the Federation of State Massage Therapy Boards Model Practice Act and the work of the task force of medical practitioners and massage and bodywork professionals from the states of Florida, Georgia, New Jersey, New York, Ohio, South Carolina and Texas, who worked from April 2011 to October 2014 to develop that product; and,
- 4) Any questions concerning the knowledge base of those prepared to present or support any bill to amend the practice act will have to be addressed to any legislators who bring the piece of legislation forth to the Georgia General Assembly.

Discussion – National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)

1. NCBTMB Approved Provider Disciplinary Actions by State_04012017
2. NCBTMB Certificant Disciplinary Actions by State_04012017
3. NCBTMB School Compliance Report_04012017

The Board accepts the correspondence relevant to NCBTMB Approved Provider Disciplinary Actions by State, Certificant Disciplinary Actions by State and the School Compliance Report as information.

Discussion – International Sound Therapy Association (ISTA) – Mandara Cromwell

1. Course Overview
2. Sound Therapy Video Link

The Board voted unanimously in favor of the motion to table the discussion regarding ISTA pending further review.

Petition for Rule Waiver

1. Rule Waiver - BR 345-4-.02(7) – Shawnda Renae Kettles

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition to waive Board Rule 345-4-.02(7) based insufficient evidence to substantiate a substantial hardship.

Education Report – C. Knowles

1. Southern Regional Technical College - Request to Maintain Faculty Member

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to maintain recognition status of the massage therapy education program based on recent correspondence received from the school. The program is required to notify the Board of the replacement instructors in writing within 10 days of filling the position.

2. Columbus Technical College – Notice of Discontinuation of MT Program

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to withdraw recognition status from the program effective February 15, 2017 based on the program's request to surrender the massage therapy education program.

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to notify NCBTMB and the Federation of State Massage Therapy Boards (FSMTB) of the withdrawal of recognition status of the massage therapy education program at Columbus Technical College.

3. The Elaine Sterling Institute - Notice from Commission of Council on Occupational Education

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

4. FSMTB – Notice of Revocation of Rosel School of Massage Therapy

The Board accepts the correspondence relevant to the FSMTB Notice of Revocation of Rosel School of Massage Therapy as information.

5. Miller-Motte – Columbus

Mr. Knowles reported that it is his understanding that this campus will be terminating its program next month; however, since the program has not notified the Board of such, he recommended that the program maintain recognition status provided that the program submits proof of maintaining a current, unencumbered NCBTMB School Provider Number within 10 days of notice as their current authorization expires in May 2017. Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to accept the Cognizant recommendation.

6. Augusta School of Massage

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

7. Atlanta School of Massage

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to maintain recognition status of the massage therapy education program provided the program submit proof of removing licensees S.A.M and T.L. from the list of program instructors until such time that the licensees gain compliance with the requirements of the Board and refer S.A.M. and T.L. to Legal Services for a Private Consent Order to a fine of \$500, must submit proof of completion of 12 anytime hours, CE submitted to satisfy the terms of the order may not be used to satisfy CE requirements for any subsequent renewal and a failure to comply with terms may result in additional sanctions.

8. Georgia Christian University

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the application for Board recognition status of the massage therapy education program based on a failure to meet the requirements of Board Rule 345-8-.01; all clinical practice must include supervised instruction on-site, at the location of the massage therapy education.

9. Woodruff Medical Training and Testing

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to maintain recognition status of the massage therapy education program provided the program submit proof of removing licensee K.M.A. from the list of program instructors until such time that the licensee gains compliance with the requirements of the Board and refer K.M.A. to Legal Services for a Private Consent Order to a fine of \$500, must submit proof of completion of 12 anytime hours, CE submitted to satisfy the terms of the order may not be used to satisfy CE requirements for any subsequent renewal and a failure to comply with terms may result in additional sanctions.

Executive Director's Report – A. Price

Executive Director presented the Board with statistical data relevant to the processing of applications, the number of licensees, and complaints/compliance matters.

Ms. Price indicated she followed up with Division Director, Lisa Durden, concerning the potential need for translators to communicate with applicants from Asian countries should a hearing become necessary. Director Durden indicated the agency does not have these services, but the Administrative Office of the Courts (AOC) does and she will research the cost and availability and provide this information to the Board.

Ms. Price then requested clarification as to how the Board wishes to proceed with addressing the 2,245 licensees who never established an account on CE Broker and the 4,757 licensees who did establish an account but did not record evidence of having completed all of the CE requirements.

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to notify the 2,245 licensees without CE Broker accounts to open an account and record CEs required for the 2014-2016 biennium. The notice will state this must be completed by July 1, 2017 or their licenses will be revoked by operation of law in accordance with O.C.G.A. § 43-24A-14(b) for non-compliance with Board Rule 345-4-.02. Additionally, a notification will be sent to the 4,757 licensees with a CE Broker account that lacks evidence of satisfying the required 24 CE hours for the 2014-2016 biennium for the purpose of stating that they must update their hours to meet Board requirements. The notice will state that the update must be completed by July 1, 2017 or their licenses will be revoked by operation of law in accordance with O.C.G.A. § 43-24A-14(b) for non-compliance with Board Rule 345-4-.02.

Mr. Wood motioned, 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

No report given.

Miscellaneous Discussions

1. Letter to Consumer Affairs

The Board accepts the letter written to Consumer Affairs on behalf of the Board by Pam Nichols, Board Member, as information.

2. Open Records Request - LiRong Zhang & Golden Razor Academy of Cosmetology

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to release the records regarding LiRong Zhang and the Golden Razor Academy of Cosmetology to the State of Tennessee Department of Health and to the advisory attorney for the Tennessee Massage Board.

3. Board Meeting Date Added – August 24, 2017

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to hold a Board meeting Thursday, August 24, 2017 at 9:00 a.m. for the purpose of finalizing the Board Rules discussed during the April 26-27, 2017 Board meetings.

Mr. Wood 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, Pam Nichols and Donald Wood.

At the conclusion of the Executive Session of Friday, April 28, 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

11:00 Investigative Interview – MT170011

12:00 Investigative Interview – MT170011

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to close the case and restore full recognition status to the massage therapy education program.

12:30 Applicant Interview – P.T.

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for a Public Consent Order for Licensure to include a fingerprint background check with every renewal application, random drug screens, quarterly personal and employer reports, probation to run concurrent with criminal probation and flag license for CE audit.

1:30 Applicant Interview – Y.C.

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

Executive Session Minutes

1. February 24, 2017 Executive Board Meeting Minutes

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the February 24, 2017 executive session Board meeting minutes as presented.

2. March 7, 2017 Executive Teleconference Minutes

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the March 7, 2017 executive session teleconference minutes as presented.

Attorney General's Report – D. Stubins

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

1. AG MEMO - MT110073

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to leave the case open for further investigation and merge all complaint cases on this respondent.

2. AG MEMO - MT140015

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case with no action.

3. AG MEMO - MT150060

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case with no action.

4. AG MEMO - MT040062

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.

5. AG MEMO - MT140011

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer the case of J.C.B. to the Attorney General's Office for a hearing for revocation of licensure or voluntary surrender for aiding and abetting of unlicensed practice.

6. AG MEMO - MT170014

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to uphold the decision to deny recognition status and close the case.

7. AG MEMO - MT150088

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to close the case on M.C.J. with a Letter of Concern regarding unlicensed practice and table the case on R.G. pending additional investigation into allegations of aiding and abetting unlicensed practice and sexual misconduct.

8. AG MEMO - MT130070

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case with no action.

9. AG MEMO - MT120089

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to close the case with no action.

10. AG MEMO – MT150036

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer case to the Attorney General's Office for a hearing for revocation of licensure for violating the terms of a consent agreement with the Board.

Cognizant's Report – D. Stubins

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

MT150059	Close the case, no action.
MT150060	Close the case with a Letter of Concern regarding unlicensed practice.
MT150081	Close the case.
MT150083	Refer case to the Attorney General's Office to proceed with a hearing in this case for violation of BR 345-6-01(2)(j).
MT150087	Close the case with a Letter of Concern regarding standard of care and recommend taking additional courses on hot stone therapy.
MT160068	Refer to Attorney General's Office to conduct an interview with client via telephone and to use a female investigator to witness the interview.
MT160102	Uphold the previous motion from the March 7, 2017 meeting in this case.
MT170007	Table pending outcome of criminal case.
MT170055	Close the case, no action.
MT170058	Refer to Attorney General's Office to review the merits of the case, along with cases MT150088 and MT140062, prior to the Board rendering a decision.
MT170059	Refer case on respondent E. L. to the Attorney General's Office for a Public Consent Order with a fine of \$500 for unprofessional conduct.
MT170060	Table pending additional investigation.
MT170079	Refer to Legal Services for a Private Consent Order for Licensure with a fine of \$1000 for unlicensed practice from November 2015 to January 20, 2017 and refer the employer to the Attorney General's Office for a hearing for Consent Order with a fine of \$500 for aiding and abetting unlicensed practice.

Ratification List of Orders Issued By Policy

Mr. Wood 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.

Miscellaneous Executive Discussions

1. Request for Release of Transcript

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to approve the release of transcript for D.H.

2. Request for Release of Transcript

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to approve the release of transcript for A.L.J.

3. Request for Inactive Status

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the inactive status application for K.P.

4. MT160032

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case and maintain board recognition status.

Applications for Board Review

Arrests

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in executive session.

1. **M.J.** Table pending receipt of certified copies of sanctions/Board actions in North Carolina and status of probation.
2. **J.L.** Issue the license.
3. **J.W.** Issue the license with a Letter of Concern regarding criminal history.

Reconsiderations

Mr. Wood motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in executive session.

4. **F.G.** Uphold previous Board decision to deny.
5. **A.K.** Deny request. Applicant must submit a new application.
6. **H.X.** Uphold previous Board decision to deny.

Transcript Review

Ms. Nichols motioned, Mr. Wood seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in executive session.

7. **A.B.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).
8. **C.C.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).
9. **Z.C.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).
10. **S.F.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).
11. **C.J.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).
12. **M.K.** Issue the license.
13. **R.M.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).
14. **E.R.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).
15. **T. S.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).
16. **J.W.** Deny licensure based on unlicensed practice and acts of moral turpitude in accordance with O.C.G.A. §§ 43-1-19(a)(2) and 43-24A-8(4).
17. **J.W.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).
18. **A.W.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).
19. **C.Y.** Deny licensure based on failure to complete a board recognized educational program in accordance with O.C.G.A. 43-24A-8(6) and Board Rule 345-8-.03(1)(e) and (6)(a).

Waiver

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

20. P.W. Renew the license.

Adjournment With no further business to discuss, the meeting adjourned at 4:48 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: June 23, 2017

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR