

GEORGIA BOARD OF MASSAGE THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, October 26, 2018 - 9:00 a.m.

The Georgia Board of Massage Therapy met on Friday, October 26, 2018. The following members were present:

Board Members Present

Craig Knowles, BCTMB, LMT, CNMT, Chair
Jennifer Clay, LMT, CNMT, Vice Chair
Pam Nichols, LMT, CNMT, HNC, Board Member
Kelly Teague, Consumer Member (via teleconference)

Board Members Absent

Cindy King, LMT, CMT, NMT, Board Member

Visitors Present

Jane Johnson, LMT
Sharon Remaly, LMT
Leigh Ann Keels, LMT
Matt Keels, LMT, Augusta School of Massage
Dwight Bunn, LMT
Andrew Dacres, LMT, International School of Skin, Nailcare and Massage therapy
Mary Perkins, LMT

Administrative Staff Present

Kathy Osier, Licensing Supervisor
Michelle Hornaday, Board Support Specialist
Jessica Uzzo, Staff Attorney

Attorney General's Office Present

Wylencia Monroe, Senior Assistant Attorney General
David Stubins, Senior Assistant Attorney General
(via teleconference)

Administrative Staff Absent

Adrienne Price, Executive Director

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 9:15 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. September 28, 2018 Investigative Committee Meeting

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the September 28, 2018 investigative committee meeting minutes as presented.

2. September 28, 2018 Board Teleconference Minutes

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to approve the September 28, 2018 teleconference minutes as presented.

Licenses to Ratify August 17, 2018 – October 19, 2018

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

Correspondence – CE Table Thai – Dr. Robert Wooten

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to notify the writer that the course materials do not fall under the AOBTA umbrella nor is Policy A9 applicable; however, they do fall within the scope of practice of massage therapy and would therefore be accepted. Regarding the second question on any CE courses rejected upon audit, the licensee is notified in writing with instructions on how to move forward in their case.

In response to the suggestion that the Board has made CE approval more difficult, the Board has made decisions to ensure that the Board Rules conform to the Georgia statutes. The Board cannot circumvent that which the law states is the practice of massage therapy in Georgia. In response to those efforts, certain organizations have requested, in writing, to be exempt from massage therapy regulation in the state of Georgia. Those same organizations were contacted in 2016 concerning their role within the massage therapy profession and again they submitted letters in writing requesting not to be regulated by the Board. As a result, the Board does not accept continuing education which does not fall within the scope of massage therapy practice as defined in the law.

Correspondence – Hands-On Consideration – Shata Bussey – MT009982

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to notify the writer that massage therapy is a hands-on profession and reiterate the importance of keeping skills fresh. The Board feels that being in a room of like-minded individuals for feedback allows therapists to approach varied situations and provides for an atmosphere of learning that cannot be taught in webinars. The Board has considered removing the hands-on requirement in the past and feels it is important to retain the requirement for active therapists in the profession.

Discussion – American Massage Therapy Association (AMTA) – Massage Therapy in Integrative Care & Pain Management

The Board accepted the information provided by AMTA on Massage Therapy in Integrative Care & Pain Management as information.

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

1. 09-01-18 Approved Provider Disciplinary Actions by State
2. 09-01-18 Certificant Disciplinary Actions by State
3. 09-01-18 School Compliance Report
4. 10-01-18 Approved Provider Disciplinary Actions by State
5. 10-01-18 Certificant Disciplinary Actions by State
6. 10-01-18 School Compliance Report

The Board accepts the correspondence relevant to the September 2018 and October 2018 NCBTMB Approved Provider Disciplinary Actions by State, Certificant Disciplinary Actions by State and the School Compliance Reports as information. Mr. Knowles added to the report information that Aeja Kim from New York is a CE provider whose credentials have been revoked as of 2017.

Discussion – City of Hiram City New Ordinance for Massage Businesses

The Board accepts the notification of the City of Hiram City New Ordinance for Massage Businesses as information.

Discussion – Georgia Opioid Strategic Plan & Drug Overdose Surveillance

The Board accepts the notification of the Georgia Opioid Strategic Plan & Drug Overdose Surveillance as information.

Petition for Rule Variance

1. BR 345-4-.05(2)(c) – Kelly DeGarmo

Ms. Teague motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant the petition for variance of BR 345-4-.05(2)(c) based on sufficient evidence to substantiate a substantial hardship.

Petition for Rule Waiver

1. BR 345-4-.05(2)(c)(ii) – Cheryl Ann Twickler

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-4-.05(2)(c)(ii) based on sufficient evidence to substantiate a substantial hardship.

2. BR 345-4-.05(2)(c)(ii) – Ricardo Edward Nelson

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-4-.05(2)(c)(ii) based on sufficient evidence to substantiate a substantial hardship. Notify applicant his continuing educations requirements must still be met.

Education Report – C. Knowles

1. Faculty Amendments

a) Touch for Healing School of Reiki Massage

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the Touch for Healing School of Reiki Massage faculty amendment form as presented.

b) Virginia College – Savannah

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to accept the Virginia College – Savannah faculty amendment form as presented.

2. Program Renewal Applications

a) Atlanta School of Massage

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.

b) Peachtree City School of Massage

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.

Kelly Teague left the teleconference at 9:51 a.m.

Kelly Teague joined the meeting at 9:53 a.m.

c) Woodruff Medical Training & Testing

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to conditionally maintain the recognition status of the massage therapy education program pending receipt of NPEC certification in the Board office by December 3, 2018. The Education Cognizant is to notify school via email today.

3. Program Closure

a) Albany Therapeutic Massage

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to unrecognize the massage therapy education program effective October 26, 2018 and remove the school from the recognized list on the Board website.

4. USDOE Audit Findings

a) Augusta School of Massage

b) International School of Skin, Nailcare, & Massage Therapy

The Board accepts the correspondence relevant to the Augusta School of Massage and the International School of Skin, Nailcare, & Massage Therapy – USDOE Audit Findings, as information.

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

Executive Director’s Report – A. Price

Executive Director’s report presented the Board with statistical data relevant to the processing of applications, the number of licensees, complaints/compliance matters. The report stated that the soft stop for license renewal for CE violations will begin during the 2018-2020 renewal cycle followed by a hard stop on the 2020-2022 renewal cycle.

Ms. Teague 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

Mr. Knowles yielded the floor to Ms. Nichols so that she may give a report as the Board Delegate to the Federation of State Massage Therapy Boards Annual Meeting in Salt Lake City earlier this month. Ms. Nichols shared that human trafficking, including sex trafficking and labor trafficking, were major topics of discussion and stated that human trafficking is replacing drug trafficking in producing revenue today. She suggested Board members and visitors view the documentary, “Save My Seoul” to understand the depth and complexity of the problem and how deregulation, which is currently before the profession, would be disastrous. Ms. Nichols also discussed the new

MBLEx study guide as well and initiatives from other states such as Oregon, which has a section on their Board website in the Mandarin language which explains the exceptions and greatly assists licensees with language barriers.

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

Miscellaneous Discussion

1. Federation of Associations of Regulatory Board (FARB) Board Member Training

The Board accepts the information regarding the FARB Board Member Training as information.

2. Records Request – Tiffany Taft

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to release Tiffany Taft's application file to the licensee as requested.

Kelly Teague left the meeting at 10:45 a.m.

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: Craig Knowles, Jennifer Clay, Pam Nichols and Kelly Teague.

At the conclusion of the Executive Session of Friday, October 26, 2018, 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

Kelly Teague joined the meeting at 10:50 a.m.

Scheduled Board Appointments

Personal Appearance

11:00 a.m. Application 2702908

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to uphold the previous motion to deny. Staff is to add to applicant's file that the massage therapy education program is online and does not offer supervised education.

Notify applicant if school held a current and unencumbered NCBTMB school code when the applicant graduated, the Board will approve credit for the 200 Massage Theory and Clinic hours taken and will consider approving an additional 300 hours taken from any approved NCBTMB massage therapy education program whose code is current and unencumbered. The following courses must be taken per Board Rule 345-8-.01(a)(b)(d) and (e): a minimum of 125 hours of in-class supervised instruction in human anatomy, physiology and kinesiology; a minimum of 40 hours of in-class supervised instruction in pathology; a minimum of 125 hours of in-class supervised instruction in contraindications, benefits, universal precautions, body mechanics, massage history, client data collection, documentation, and legalities of massage, professional standards including draping and modesty, therapeutic relationships and communications; and a minimum of ten (10) hours of in-class supervised instruction in ethics and business to include a minimum of six hours in ethics.

Kelley Teague left the meeting at 12:52 p.m.

Executive Minutes

1. September 28, 2018 Executive Investigative Committee Meeting Minutes

2. September 28, 2018 Executive Teleconference Minutes

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to approve the September 28, 2018 executive session investigative committee meeting minutes and the September 28, 2018 executive teleconference minutes as presented.

Attorney General's Report – W. Monroe

1. AG MEMO – BR Rule 345-5-.01 Licensure by Endorsement
2. AG MEMO – BR 345-5-.01 Licensure by Endorsement
3. AG MEMO – Evaluating Cases for Summary Suspension

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.

Legal Services Memos

1. Case for Ratification – MT190024

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to accept the agreement upon receipt.

2. Request for Payment Extension – MT180072

Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to grant request for payment extension and extend the payment deadline to March 29, 2019 at which time the fine must be paid in full.

Investigative Committee Report – J. Clay

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.

- | | |
|-----------------|---|
| MT190020 | Close the case and flag for CE audit. |
| MT180156 | Close the case, insufficient evidence. |
| MT180162 | Table pending additional investigation. |
| MT180168 | Refer to the Attorney General's Office for a maximum of a Voluntary Surrender or Hearing for Revocation of Licensure or minimum of Indefinite Suspension of Licensure based on violations of O.C.G.A. §§ 43-1-19(a)(6)(7); 43-24A-15(c)(d). Refer a case on Respondent S. L. to the Attorney General's Office to issue a Public Order to Cease and Desist the unlicensed practice of massage therapy on the basis that the respondent engaged in the unlicensed practice of massage therapy after being denied licensure by the Board (O.C.G.A. § 43-1-20.1). |
| MT180169 | Table pending additional investigation. Upon receipt of investigative records, refer to the Attorney General's Office for a maximum of a Voluntary Surrender or Hearing for Revocation of Licensure based on §§ 43-1-19(a)(6)(7); 43-24A-15 & BR 345-6-.01. |
| MT190012 | Refer to Attorney General's Office for a Voluntary Surrender or a Hearing for Revocation of Licensure O.C.G.A. §§ 43-1-19(a)(6)(7); 43-24A-15 & BR 345-6-.01. Refer to investigations to obtain additional information on unlicensed respondents. If violations substantiated, refer the unlicensed respondents to the Attorney General's Office to issue a Public Order to Cease and Desist the unlicensed practice of massage therapy (O.C.G.A. § 43-1-20.1). |
| MT180128 | Table. Must submit evidence of fine payment prior to October 19, 2018. If received, close the case. If not received, present to the Board for review. |
| MT120091 | Close the case, due to lapsed license. If attempt to reinstate application, must be presented to the Board to consider facts of the case. |

Miscellaneous Executive Discussion

1. Processing CE Violations at Renewal

a) Guideline on CE Violation Referrals to AG Office

The Board accepts Guideline on CE Violation Referrals to AG Office as information.

2. **MT130090** Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to refer to investigations.
3. **MT170016** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion on L.C. and L.W. and close the case on both.
4. **MT180125** Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to close case on B.N. for lack of valid mailing address.
5. **MT160017** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of

the motion to use the two recommended expert witnesses discussed in Executive Session in place of the current expert witness who is unable to serve due to travel restrictions.

6. Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to rescind the previous motion on the following cases and flag for CE audit.

MT180034
MT180041
MT170075
MT170121
MT170140
MT180004
MT180015
MT180024
MT180025
MT180026
MT180027
MT180030
MT180031
MT180042
MT180073
MT180114

7. **MT160033** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the withdrawal of the 2016 renewal application for C.P. and close the case.

David Stubins joined the meeting via teleconference at 1:31 p.m.

8. **MT180038** The Board finds that in case number MT180038, the licensee poses an immediate threat to the public health, safety, and welfare and emergency action is required. Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office to issue a Summary Suspension.
9. **MT190006** The Board finds that in case number MT190006, the licensee poses an immediate threat to the public health, safety, and welfare and emergency action is required. Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office to issue a Summary Suspension.
10. **MT180057** The Board finds that in case number MT180057, the licensee poses an immediate threat to the public health, safety, and welfare and emergency action is required. Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office to issue a Summary Suspension.

Kelly Teague joined the meeting at 1:54 p.m.

David Stubins left the meeting at 2:02 p.m.

Applications for Board Review

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.

- Application 2749995** Issue license with a Letter of Concern regarding knowing misrepresentation of criminal history on application for licensure.
- Application 2751305** Schedule Applicant Interview.
- Application 2731582** Schedule Applicant Interview.
- Application 2675038** Schedule Applicant Interview.

CE Audit

- Application 1088699** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to renew the license with a strong Letter of Concern regarding use of inappropriate CE for renewal of licensure for the 2014-2016 biennium. Send via certified mail and reference the law, which states that knowingly misrepresenting CE compliance is grounds for disciplinary action and including reference to the relevant Board Rules, Policies and statement of notification on the Board website.
- Application 1164586** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to issue the licensee a strong Letter of Concern regarding the use of inappropriate CE for the renewal of licensure for the 2014-2016 biennium referencing the law which states that knowingly misrepresenting CE compliance is grounds for disciplinary action. Send via certified mail and include notification that in response to CE audit, the licensee has until November 16, 2018 to submit copies of CE certificates that have been completed prior to the date of application for the 2016-2018 biennium in accordance with the Board Rules, Policies and statement of notification on the Board website.
- Application 2323782** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to renew the license.
- Application 2470301** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to renew license with a strong Letter of Concern regarding use of inappropriate CE for renewal of licensure for 2014-2016 biennium. Send via certified mail and reference the law which states that knowingly misrepresenting CE compliance is grounds for disciplinary action and including reference to the relevant Board Rules, Policies and statement of notification on the Board website.
- Application 1096536** Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to renew the license notify licensee twelve (12) hours hands-on CE certificates for the 2016 biennium must be received by the Board within 60 days. Flag for CE audit.
- Application 1783112** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to renew license with a strong Letter of Concern regarding use of inappropriate CE for renewal of licensure for 2014-2016 biennium. Send via certified mail and reference the law, which states that knowingly misrepresenting CE compliance is grounds for disciplinary action and including reference to the relevant Board Rules, Policies and statement of notification on the Board website.
- Application 1087932** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion that licensee must submit twelve (12) hours hands-on CE certificates for the 2018 biennium within 60 days.
- Application 2315723** Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion that licensee must submit twelve (12) hours hands-on CE certificates for the 2018 biennium within 60 days.

Inactive Status Requests

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 to accept the inactive status requests.

- Application 1226628**
- Application 2477822**
- Application 2643835**
- Application 1084808**
- Application 2301074**
- Application 1087234**
- Application 2511627**
- Application 2491576**
- Application 1764358**
- Application 2646976**
- Application 2488331**
- Application 1734352**
- Application 1252250**

Application 2588009
Application 1086795
Application 2472307
Application 1129850
Application 2514421
Application 2584505
Application 1095499
Application 2640273
Application 1242201
Application 2527536
Application 1081450
Application 2529564
Application 1790428
Application 1843386
Application 1235870
Application 2700811
Application 2505972

The Board discussed the Reactivation fee and determined the fee should be equivalent to the Reinstatement fee. Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to raise the fee for the application to reactivate licensure to \$200 effective immediately to align with the application for reinstatement fee.

Reinstatements

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.

Application 2761207 Issue the license.
Application 2732893 Issue the license with a Letter of Concern regarding knowing misrepresentation of criminal history on reinstatement application.

Renewals

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.

Application 1062067 Renew the license. Must submit twelve (12) hours hands-on CE certificates for the 2016 biennium within 60 days.
Application 1167766 Renew the license. Must submit twelve (12) hours hands-on CE certificates for the 2016 biennium within 60 days.
Application 2709243 Renew the license.
Application 1298685 Renew the license.

Kelly Teague left the meeting at 3:35 p.m.

Application 2561721 Ms. Nichols motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to table a decision on this matter pending receipt of additional information.

Transcript Review

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.

Application 2749662 Deny based on O.C.G.A. § 43-24A-8(6).
Application 2729580 Table and request investigative information from NCBTMB on HR School of Alternative Therapy.
Application 2750622 Deny based on O.C.G.A. § 43-24A-8(6).

MT180118 Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to update the Recognized Massage Therapy Educational Programs Located within the State of Georgia list on the Board website indicating the school is no longer under review.

Adjournment With no further business to discuss, the meeting adjourned at 4:31 p.m.

Minutes recorded by:

Michelle Hornaday, Board Support Specialist

Minutes reviewed and edited by:

Kathy Osier, Licensing Supervisor, Adrienne Price, Executive Director

Minutes approved on:

December 7, 2018

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR