

**GEORGIA BOARD OF MASSAGE THERAPY**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**Friday, December 7, 2018 - 9:00 a.m.**

The Georgia Board of Massage Therapy met on Friday, December 7, 2018. The following members were present:

**Board Members Present**

Craig Knowles, BCTMB, LMT, CNMT, Chair  
Pam Nichols, LMT, CNMT, HNC, Board Member  
Cindy King, LMT, CMT, NMT, Board Member

**Administrative Staff Present**

Adrienne Price, Executive Director  
Michelle Hornaday, Board Support Specialist  
Jessica Uzzo, Staff Attorney

**Board Members Absent**

Jennifer Clay, LMT, CNMT, Vice Chair  
Kelly Teague, Consumer Member

**Attorney General's Office Present**

Wylencia Monroe, Senior Assistant Attorney General  
Kirsten Daughdril, Senior Assistant Attorney General

**Visitors Present**

Matt Keels, Augusta School of Massage  
Leigh Ann Keels, Augusta School of Massage  
Dwight Bunn  
Holly Davidson  
Heather Gale  
Hayley Garrett  
Stone Griffin  
Sonu Patel  
Gordon Wise

**Administrative Staff Absent**

Kathy Osier, Licensing Supervisor

**Call to Order** Mr. Knowles established that a quorum was present and called the meeting to order at 9:18 a.m.

**OPEN SESSION**

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

**Open Session Minutes**

**1. October 26, 2018 Board Meeting Minutes**

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the October 26, 2018 open session Board meeting minutes as presented.

**2. November 9, 2018 Investigative Committee Teleconference Minutes**

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to approve the November 9, 2018 investigative committee teleconference minutes as presented.

**Licenses to Ratify October 19, 2018 – November 30, 2018**

Ms. King 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 – Rolf Institute of Structural Integration**

The Board accepts the correspondence relevant to Rolf Institute of Structural Integration as information.

**Discussion – Board Rules**

**1. BR 345-1-.01 Definitions (as amended 12072018)**

## Rule 345-1-.01. Definitions

(1) "Advertise" shall mean, but is not limited to, the issuance or distribution of any card, sign or other device, or causing, allowing or permitting the issuance or distribution of any card, sign or other device through or by means of any form of media, electronic or telephonic medium, printed material, public distribution, announcement or placement in any physical building or structure.

(2) "Applicant" means any person seeking [initial licensure, renewal or reinstatement of a license](#) under this chapter.

(3) ["NCBTMB" means National Certification Board for Therapeutic Massage & Bodywork.](#)

(4) ["Board" means the Georgia Board of Massage Therapy.](#)

(~~3~~5) "Approved Provider" (~~of Continuing Education hours~~) means a provider [of continuing education who](#) that has been designated as an "Approved Provider for Continuing Education" by the NCBTMB, or another continuing education ("CE") provider approved by the Board [as set forth in the Board Policies and as found on the Board website.](#)

(4) ~~"Board" means the Georgia Board of Massage Therapy.~~

(~~5~~6) ["Distance learning activity" is continuing education provided by a board approved provider that is not physically present.](#)

(7) ["Continuing Education" is any learning activity on topics related to the scope of practice of massage therapy in the state of Georgia that are obtained from a Board approved provider. Courses taught on the excepted practices referenced in O.C.G.A. § 43-24A-19\(5-8\) and Policy A9, and as found on the Board's website, will not be accepted for continuing education credit. Continuing education may include supervised in-person or distance learning activities.](#)

(8) "Clock Hour" means one "clock hour" of ~~continuing~~ education that is no less than fifty (50) minutes of any one clock hour during which a student participates in a learning activity in the physical presence of an instructor or in a distance learning activity as designed by an approved provider.

(~~6~~9) "FSMTB" means ~~the~~ Federation of State Massage Therapy Boards.

(~~7~~10) "License" means a valid and current certificate of registration issued by the Board.

(~~8~~11) "Licensee" means any person holding a license.

(~~9~~12) "Massage Therapist" means any person who administers massage or massage therapy for compensation.

(~~10~~13) "Massage Therapy" has the same meaning as found in O.C.G.A. § 43-24A-3(8).

(~~11~~14) "MBLEx Examination" means Massage & Bodywork Licensing Examination that is offered by the FSMTB.

(~~12~~15) "NCBTMB" means National Certification Board for Therapeutic Massage & Bodywork.

(~~13~~16) "NCETM Examination" means National Certification Examination for Therapeutic Massage.

(1417) "NCETMB Examination" means National Certification Exam for Therapeutic Massage & Bodywork.

~~(15) Sexually Oriented Business—For the purposes of these rules, sexually oriented business shall mean, by not be limited to, a sex parlor, massage parlor, adult bookstore, adult movie theater, adult video store, adult motel, spa~~

~~alluding to sexual content or services, or other commercial business which offer items or services to provide sexual stimulation or gratification.~~

(168) "Supervision" means a qualified massage therapist supervisor is physically on-site and immediately available.

**Cite as Ga. Comp. R. & Regs. R. 345-1-.01**

**Authority:** Authority O.C.G.A. Secs. 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-11, 43-24A-13, 43-24A-14, 50-13-3.

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

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

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer BR 345-1-.01 Definitions to the Attorney General's Office for a Memorandum of Authority and if no objections, vote to post.

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of BR 345-1-.01 Definitions does not impose excessive regulatory cost on any licensee, business or corporation and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-11, 43-24A-13, 43-24A-14, 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of massage therapy.

**2. BR 345-4-.01 License Renewal (as amended 12072018)**

The Board tabled discussion for Executive Session.

**3. BR 345-4-.02 Continuing Education Hours (as amended 12072018)**

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

(1) As a condition for renewing his or her license for each biennium, every massage therapist licensed pursuant to this chapter shall be required to complete a minimum of twenty-four (24) continuing education (CE) hours related to the practice of massage therapy [as defined in O.C.G.A. § 43-24A-3\(8\)](#), through an approved provider; except as otherwise provided for in this chapter.

(a) Twelve (12) of the total twenty-four (24) CE Hours must include direct hands-on supervised instruction; and

(b) The remaining twelve (12) CE Hours may include direct hands-on supervised instruction or other massage therapy related CE hours.

(c) CE Hours for renewal must be obtained during the two year renewal cycle beginning November 1st through October 31st of the two year licensure period.

(d) For the purposes of this rule the course must include seventy percent (70 %) of hands-on experience/demonstration in order to qualify as direct hands-on supervised instruction.

(2) [The Board only accepts coursework from Continuing Education Providers who have a current, unencumbered National Certification Board for Therapeutic Massage and Bodywork \(NCBTMB\) Continuing Education Provider Number and offer continuing education courses as defined in Rule 345-1-.01\(7\).](#)

~~(a) Approved providers for Continuing Education must have a current NCBTMB Continuing Education Provider Number and shall provide information on course attendance to CE Broker.~~

(b) Licensees may locate an approved provider on the ~~National Certification Board for Therapeutic Massage and Bodywork~~ NCBTMB website at www.ncbtmb.org. Licensees do not have to be board certified by NCBTMB to access the NCBTMB continuing education providers. ~~The Board only accepts those Continuing Education Providers assigned a provider code number by NCBTMB.~~

(3) Beginning the November 1, 2014 through October 31, 2016 biennium and thereafter, persons licensed to practice as a massage therapist or who shall file an application to practice as such in this state are to maintain a record of completed continuing education courses and experiences by registering with an online recording and reporting system approved by the Board.

~~(A)~~ For the purposes of this requirement, the Georgia Board of Massage Therapy adopts the utilization of CE Broker, Inc.

~~(B)~~ Licensees and applicants shall incur no additional costs from CE Broker, Inc. for this service.

~~(C)~~ Every licensee or applicant subject to the rules of the Georgia Board of Massage Therapy shall be deemed to have given such person's consent to the Board and its representatives to access their continuing competence record retained within the online database for the purposes of auditing and verifying completion of the Board's continuing competency requirements.

(d) Each licensed massage therapist shall be responsible for maintaining records of attendance and supporting documents for continuing education activities for a period of four years (two renewal cycles).

(e) Documentation of completed continuing education hours which the Board deems to be acceptable proof or verification of completion shall include, but not be limited to, the following:

(1) For attendance and participation at a live presentation such as a workshop, seminar, conference or direct hands-on client care educational program; a certificate of completion or similar documentation that includes a massage therapist license number and the approved provider's number, signed or verified by a program official, and a program or course description including sponsor, course title, date, program, objective/learning outcomes, content description, agenda or schedule.

(2) For lectures and multi-media courses; a certificate of completion or similar documentation including a massage therapist license number and the approved provider's number, a signature or verification by a program official, and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule. Multi-Media courses shall require the successful completion and submission of a written post experience examination to evaluate material retention. Multi-Media courses include, but are not limited to, audio, audiovisual, closed circuit television, and internet course.

(3) For correspondence courses; a certificate of completion or similar documentation, including a massage therapist license number and the approved provider's number, a signature or verification by a program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule.

(i) Verified instructional time by the course sponsor, a certificate of completion or similar documentation that is signed or verified by program official; and,

(ii) A program description including sponsor, course title, date, program objective or learning outcomes, and description of program content.

(4) The Board may consider a waiver or variance of the requirement of CE hours for licensees who can provide acceptable proof of a verifiable illness, disability or hardship that substantially affected their ability to obtain the required CE hours during the prior biennium renewal period through submission to the board of a completed, signed

waiver/variance request form prior to the biennium renewal expiration date of October 31st of every even numbered year.

~~(5) If an applicant has graduated from a Board recognized massage therapy education program and submitted an application for licensure within the current biennium, the applicant is exempt from the continuing education requirements for that biennium renewal only. An applicant who is licensed during the second year of the biennium renewal period shall only be required to provide 12 hours of continuing education (CE) hours through an approved provider for that renewal period.~~

~~(a) 6 of the total 12 CE Hours must include direct hands-on supervised instruction; and,~~

~~(b) The remaining 6 CE Hours may include direct hands-on supervised instruction or other massage therapy related CE hours.~~

~~(6) An applicant having graduated from a Board recognized approved massage therapy education program within one year of their application date shall be exempt from continuing education requirements for their initial biennium renewal period only.~~

(6) An applicant who has graduated from a Board recognized massage therapy education program prior to the current biennium will be required to complete 24 hours of continuing education in order to renew the license. The applicant must complete:

(a) 12 of the total 24 CE Hours must include direct hands-on supervised instruction; and,

(b) The remaining 12 CE Hours may include direct hands on supervised instruction or other massage therapy CE coursework accepted by the Board.

(7) An applicant for reinstatement of a lapsed or revoked license must ~~show along with their~~ submit a completed application and fee payment. In addition, the applicant must submit proof of completion of that they have taken the required twenty-four (24) hours of continuing education which complies with subsection (6)(a) and (b) of this rule and which has been obtained, in accordance with this rule, within one (1) year ~~prior to~~ of the date of their reinstatement application ~~to the board.~~

(8) The continuing education hours used for the reinstatement of a license cannot be used to meet the continuing education hours required for the biennium during which the license was reinstated.

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

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

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

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

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

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

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

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to refer BR 345-4-.02 Continuing Education Hours as amended to the Attorney General's Office for a Memorandum of Authority and if no objections, vote to post.

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of BR 345-4-.02 Continuing Education Hours does not impose excessive regulatory cost on any licensee, business or corporation and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14, 43-24A-17, 43-24A-20, 50-13-3 43-24A-14, 43-34A-20, 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of massage therapy.

**4. BR 345-4-.04 Inactive Status (as amended 12072018)**

The Board tabled discussion for Executive Session.

**5. BR 345-4-.05 Reinstatement of a License (as amended 12072018)**

**Rule 345-4-.05. Reinstatement of a License**

(1) Reinstatement of a revoked or lapsed license is within the discretion of the Board.

(2) An applicant for reinstatement of a revoked or lapsed license must submit a completed application provided by the board, payment of the required fee and evidence satisfactory to the Board that the applicant:

(a) ~~is~~ is a citizen of the United States or a permanent resident of the United States; and,

(b) ~~has~~ has a satisfactory result from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. The applicant shall be responsible for all fees associated with the performance of such background check (see the Fingerprint COGENT-GAPS Instructions on the Board website under the Application Downloads link).

(c) ~~if~~ if the license has been revoked or lapsed for:

~~(i) 1. Less than five years~~ ~~two (2) years or less~~, the applicant must meet the requirements of Board Rule 345-4-.02 and submit evidence of completion of twenty-four (24) hours of Board approved continuing education, in accordance with Board Rule 345-4-.03~~2~~, obtained within one (1) year of the date of the reinstatement application;

or,

~~(ii) 2. Five (5) years or more~~ ~~than two (2) years~~, the applicant must meet the requirements of Board Rule 345-4-.02 and submit evidence of completion of twenty-four (24) hours of Board approved continuing education, in accordance with Board Rule 345-4-.03~~2~~, which was obtained within one (1) year of the date of the reinstatement application, ~~AND~~and, verification of having passed the MBLEx, within ~~six (6)~~twelve (12) months of the date of the reinstatement application.

3. If the reinstatement applicant was the holder of a current license in good standing in another state, prior to the lapse or revocation of the license in this state, and has maintained an active license, in good standing, in another state with licensure requirements that are greater than or equal to the requirements in Georgia, the applicant must:

(i) Meet the requirements pursuant to Board Rule 345-4-.02(7), excluding the lapsed or revoked; and,

(ii) All required CE hours, as indicated in Board Rule 345-4-.02, must be obtained within one year prior to the date of receipt of the application; and,

(iii) The reinstatement applicant must be in good standing in all states in which the applicant holds a license.

(3) The continuing education hours used for the reinstatement of a license cannot be used to meet the continuing education hours required for the biennium during which the license was reinstated.

(4) The Board may impose any limits, sanctions, restrictions or other disciplinary actions as a condition of reinstatement it deems necessary.

(5) The Board may require additional verification of any requirements or credentials as the Board may deem necessary.

**Cite as Ga. Comp. R. & Regs. R. 345-4-.05**

**Authority:** O.C.G.A. §§ 43-1-25, 43-24A-14(b).

**History.** Original Rule entitled "Reinstatement of a License" adopted. F. July 5, 2007; eff. July 25, 2007.

**Repealed:** New Rule of same title adopted. F. Feb. 25, 2008; eff. Mar. 16, 2008.

**Repealed:** New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009.

**Repealed:** New Rule of same title adopted. F. Aug. 31, 2011; eff. Sep. 20, 2011.

**Amended:** F. Mar. 10, 2015; eff. Mar. 30, 2015.

**Amended:** F. May 23, 2017; eff. June 12, 2017.

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer BR 345-4-.05 Reinstatement of a License to the Attorney General's Office for a Memorandum of Authority and if no objections, vote to post.

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of BR 345-4-.05 Reinstatement of a License does not impose excessive regulatory cost on any licensee, business or corporation and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-14(b) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of massage therapy.

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

1. 11-01-18 Approved Provider Disciplinary Actions by State
2. 11-01-18 Certificant Disciplinary Actions by State
3. 11-01-18 School Compliance Report
4. 12-01-18 Approved Provider Disciplinary Actions by State
5. 12-01-18 Certificant Disciplinary Actions by State
6. 12-01-18 School Compliance Report

The Board accepts the correspondence relevant to the November and December 2018 NCBTMB Approved Provider Disciplinary Actions by State, Certificant Disciplinary Actions by State and the School Compliance Report as information.

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to post the updates in the "Other Information" section of the Board website as a resource for licensees.

**Petition for Rule Variance**

1. BR 345-4-.02 – Jaimyn Thompson

The Board tabled discussion for Executive Session.

**Petition for Rule Waiver**

1. BR 345-4-.02 – Amy Whittle

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-4-.02 based on sufficient evidence to substantiate a substantial hardship.

**2. BR 345-4-.02 – Beth Smith**

The Board tabled discussion for Executive Session.

**3. BR 345-4-.02 – Joselyn Naomi Spann**

The Board tabled discussion for Executive Session.

**4. BR 345-4-.05 – Neo Raphoto**

The Board tabled discussion for Executive Session.

**5. BR 345-8-.03(5)(a)(b)(c) – Joshua Crayton**

The Board tabled discussion for Executive Session.

**6. BR 345-4-.05(2)(c)(ii) – Kerry Hawthorne**

The Board tabled discussion for Executive Session.

**Education Report – C. Knowles**

**1. Georgia Massage Therapy Program Performance Report Through October 31, 2018**

The Board accepted the Georgia massage Therapy Program Performance Report as information.

**2. AUHS – Acknowledgement of New Address**

Ms. Nichols motioned, Ms. King 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, license renewals and complaints/compliance matters. She also updated the Board on the status of the Massage Therapy Licensing Database Agreement and the soft stop for renewal applications as it relates to CE violations.

Ms. King 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 shared information regarding the FARB (Federation of Associations of Regulatory Boards) training held at the Professional Licensing Boards Division of the Secretary of State in Macon October 30, 2018 for Board Members. He noted that Dale Atkinson provided the regulatory training and 38 of the state Boards were represented. Mr. Knowles discussed the importance of what it means to be a Board member, which is to understand the purpose of regulation, its use to act in the best interest of the public which includes the licensee.

Mr. Knowles yielded the floor to Ms. Nichols and Ms. King who also attended the training. Ms. Nichols stated that Mr. Atkinson gave a similar presentation at the FSMTB Annual Meeting she attended as Board Delegate October 4-6, 2018 in Salt Lake City Utah. She indicated that he expressed the importance of inviting legislators to Board meetings and stated that the Board cannot lobby, but they can educate. She said the Board must become more of a presence in the political arena because the legislators may not understand the Board’s efforts to combat human trafficking when there is a lack of participation in legislative efforts from those in the massage therapy field.

Ms. King continued the discussion by adding she felt it was a day well spent and agrees with Ms. Nichols reiterating that human trafficking is a major concern. As a new Board member, she stated she has been amazed to see how the Boards’ hands are tied in so many cases that come before them and how this brings down the professionalism of the business. She said it has been an eye opening experience.

Mr. Knowles explained that Board members have a fiduciary responsibility to their stakeholders. He continued by sharing that Board members are volunteers, and as such, they are not compensated for their time, even though hundreds of applications must sometimes be reviewed prior to a single Board meeting. He stated it is part of their duty to be actively engaged and prepared for each meeting; to take the responsibility of the position seriously and to uphold the standard of loyalty in good faith to the state and to the constituents, above themselves.

Mr. Knowles pointed out this is particularly difficult when the media attacks the Board, and stressed the importance for individual members to understand they must only speak with one voice collectively, and not individually. He concluded that the training stimulated good conversation, especially working with other Boards.

Ms. King 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. Transcript Request – Stephanie Lusk**

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to release a copy of the licensee's transcript to the licensee.

#### **2. Increase in Reactivation Fee**

The Board entered into a discussion regarding the economic impact of the increase in the Reactivation fee. Mr. Knowles stated that the Board has been diligent in its efforts to align the Board Rules and Policies with the statute and in doing so this will cause the Reactivation fee to be in line with the Reinstatement fee. The same amount of labor is involved with both applications and the fee should reflect as such.

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to adopt or implement differing actions as it relates to a fee increase for reactivation of licensure. The formulation and adoption of the fee will impact every licensee in the same manner and each licensee is independently licensed in the field of massage therapy.

**Ms. Nichols motioned, Ms. King 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 Cindy King.**

**At the conclusion of the Executive Session of Friday, December 7, 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**

### **Meeting Dates**

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to approve amending the 2019 meeting dates to changing Friday, June 28, 2019 to Friday, June 14, 2019 and changing Friday, August 23, 2019 to Friday, August 30, 2019. And to schedule Public Rules Hearings and/or Disciplinary Hearings for Thursday, February 14, 2019 to begin at 9:30 a.m.

### **Education Report**

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to remove the red highlights from the schools listed on the approved massage therapy education program list on the Board website, forward notification to the Program Directors and submit a referral to the Attorney General's Office as discussed in Executive Session.

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to release the Investigative Checklist to Laura Veith at NPEC.

## **Investigative Interviews**

### **Applicant Interviews**

#### **11:00 a.m. Application 2751305**

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for a Public Consent Agreement for Licensure with terms and conditions as discussed to include a period of probation, quarterly reporting, screening and monitoring.

#### **11:30 a.m. Application 2731582**

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for a Private Consent Agreement for Licensure with terms and conditions as discussed to include a period of probation, quarterly reporting, screening and monitoring.

#### **12:30 p.m. Application 2675038**

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for a Private Consent Agreement for Licensure with terms and conditions as discussed to include a period of probation, quarterly reporting, screening and monitoring.

### **Personal Appearance**

#### **1:00 p.m. Application 2710807**

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion that if applicant is able to submit requested information prior to January 8, 2018, issue license. If no such evidence is submitted, uphold the previous motion.

## **Executive Discussion – Board Rules**

### **1. BR 345-4-.01 License Renewal (as amended 12072018)**

#### **Rule 345-4-.01. License Renewal**

(1) Licenses issued by the Board shall expire on October 31st of every even numbered year. It is the responsibility of each licensee to renew his or her license prior to the license expiration date regardless of whether the licensee receives a renewal notice from the board.

(2) Each applicant seeking renewal of licensure shall be required to submit a completed application, as approved by the Board, on or before October 31st of every even numbered year. Such application may include a requirement to submit satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. ~~Each person holding a valid license to practice massage therapy who does not renew said license by October 31st of every even numbered year shall be afforded a late renewal for a period of thirty (30) days. Late renewals shall be processed after filing the renewal form, payment of the renewal fee and late renewal penalty fee, and, providing proof of the required twenty four (24) hours of continuing education. Individuals must not practice as a massage therapist during this late renewal period until the board grants the renewal. Practice without a current, active license in Georgia is prohibited.~~

(3) If an applicant submitted a complete renewal application form and fee on or before October 31st of every even numbered year, the license status shall change to "Active-Renewal Pending" while the staff awaits the submission of any additional renewal documentation.

(a) Pursuant to O.C.G.A. § 50-13-18(b) "Active-Renewal Pending: means:

1. That the applicant has made a timely and sufficient application for renewal of a license; and,

2. The existing license will not expire until the application has been finally determined by the agency and, in case the application is denied or the terms of the renewed license limited, until the last day for seeking review of the agency order or at a later date fixed by order of the reviewing court; and,

3. Applicants may continue to practice while the license is in "active-renewal pending status."

(4) An applicant will be notified in writing if an application is deemed insufficient by the Board. Applicants will be instructed to submit additional documentation within a designated timeframe. Failure to comply with the Board's request may result in revocation of the license.

(5) An applicant who does not submit an application and fee to renew said license by October 31st of every even numbered year shall be granted a lapsed-late renewal period of thirty (30) days to submit a late renewal application, renewal, fee, a late renewal penalty fee and proof of completion of the required twenty-four (24) hours of continuing education. Such application may include a requirement to submit satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board.

(6) Individuals must not practice as a massage therapist during this lapsed-late renewal period and must not practice until the Board grants the renewal of the license. Practice without a current, active license in Georgia is prohibited.

(7) Any service member as defined in O.C.G.A. § 43-1-31 whose license to practice Massage Therapy expired while serving on active duty outside the state shall be permitted to practice massage therapy and, shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his/her discharge from active duty or reassignment to a location within the state. The service member must present to the ~~b~~Board a copy of the official military orders or a written verification signed by the service member's commanding officer ~~to waive any charges.~~

(48) Following the lapsed-late renewal time period, all non-renewed licenses will be revoked by operation of law for non-renewal, and will require reinstatement at the discretion of the Board.

**Cite as Ga. Comp. R. & Regs. R. 345-4-.01**

**Authority:** Authority O.C.G.A. Secs. 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-1-31, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14, 43-24A-20, 50-13-3.

**History.** Original Rule entitled "License Renewal" adopted. F. July 5, 2007; eff. July 25, 2007.

**Repealed:** New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009.

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to refer BR 345-4-.01 License Renewal to the Attorney General's Office for a Memorandum of Authority and if no objections, vote to post.

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of BR 345-4-.01 License Renewal does not impose excessive regulatory cost on any licensee, business or corporation and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-1-31, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14, 43-24A-20, 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of massage therapy.

**2. BR 345-4-.04 Inactive Status (as amended 12072018)**

**Rule 345-4-.04. Inactive Status**

(1) Prior to the license expiration date licensees may request by application ~~only to the Board~~ that their active license to practice as a massage therapist in Georgia be placed on inactive status ~~prior to the license expiration date~~. Applications for Inactive Status ~~request~~ will not be considered if ~~postmarked~~ date stamped in the Board office on or after November 1st of every even numbered year if the license is no longer active. There is no fee to apply for inactive status.

(2) An individual whose license status is inactive shall not practice as a massage therapist within the state of Georgia.

(3) An individual whose license is under any investigation, is the subject of active disciplinary proceedings or has a sanction in effect may not ~~transfer~~ submit an application for an inactive ~~the license to an inactive~~ status and any voluntary surrender of such license shall be treated as a revocation.

(4) Licensees who wish to reactivate their massage therapy license shall ~~request in writing~~ submit an Application for Licensure by Reinstatement to the Board ~~for the reactivation of their massage therapy license. Reactivation of an inactive status license is within the discretion of the Board~~. The following requirements must be met:

(a) If a licensee has been on inactive status for ~~two (2) less than five (5) years or less~~, the applicant must meet the requirements for renewal of licensure pursuant to Rule ~~345-4-.01~~ 345-4-.02(7), ~~excluding late renewal penalty fee~~, and all required CE hours must be obtained within one year prior to the date of receipt of the ~~Reactivation~~ Application.

(b) If a licensee has been on inactive status for a period ~~greater than two (2) of five (5) years or more~~, the applicant must meet the requirements for reinstatement pursuant to Rule 345-4-.05 (c)(2)(ii).

(c) If a licensee on inactive status submits an Application for Licensure by Reinstatement and has maintained an active license, in good standing, in another state with licensure requirements that are greater than or equal to the requirements in Georgia, the licensee must:

(1) Meet the requirements pursuant to Rule 345-4-.02(7), excluding the lapsed or revoked; and,

(2) All required CE hours, as indicated in Rule 345-4-.02, must be obtained within one year prior to the date of receipt of the application.

(3) The applicant must be in good standing in all states in which the applicant holds a license.

**Cite as Ga. Comp. R. & Regs. R. 345-4-.04**

**Authority:** O.C.G.A. §§ 43-1-25, 43-24A-14(e).

**History.** Original Rule entitled "Inactive Status" adopted. F. July 5, 2007; eff. July 25, 2007.

**Repealed:** New Rule of same title adopted. F. Feb. 25, 2008; eff. Mar. 16, 2008.

**Repealed:** New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009.

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

**Amended:** Subparagraphs 345-4-.04 (4)(b) was deleted in error when F. Nov. 3, 2010; eff. Nov. 23, 2010 was published. Error was discovered and corrected October 25, 2011.

**Amended:** F. May 22, 2017; eff. June 11, 2017.

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer BR 345-4-.04. Inactive Status to the Attorney General's Office for a Memorandum of Authority and if no objections, vote to post.

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of BR 345-4-.04. Inactive Status does not impose excessive regulatory cost on any licensee, business or corporation and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-3, 43-1-7, 43-1-10, 43-1-19, 43-1-22, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14, 43-24A-17, 43-24A-20, 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of massage therapy.

### **Petition for Rule Variance**

#### **1. BR 345-4-.02 – Jaimyn Thompson**

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 345-4-.02 based on insufficient evidence to substantiate a substantial hardship. Licensee must submit proof of completion of twelve (12) hands-on hours for 2016 by January 31, 2019, if unable to provide proceed with action as discussed in Executive Session.

### **Petition for Rule Waiver**

#### **1. BR 345-4-.02 – Beth Smith**

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-4-.05(2)(c) based on failure to meet the standard to be entitled to a waiver and lapse license. The Board will accept an application for Reinstatement in the event applicant meets the qualifications and is able to return to practice.

#### **2. BR 345-4-.02 – Joselyn Naomi Spann**

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition to waive 345-4-.02 based on failure to meet the standard to be entitled to a waiver and lapse license. The Board will accept an application for Reinstatement in the event applicant meets the qualifications and is able to return to practice.

#### **3. BR 345-4-.05 – Neo Raphoto**

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-4-.05 based on insufficient evidence to substantiate a substantial hardship.

#### **4. BR 345-8-.03(5)(a)(b)(c) – Joshua Crayton**

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-8-.03(5)(a)(b)(c) based on failure to meet the standard for a waiver.

#### **5. BR 345-4-.05(2)(c)(ii) – Kerry Hawthorne**

Ms. King 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.

### **Executive Minutes**

#### **1. October 26, 2018 Executive Board Minutes**

#### **2. November 9, 2018 Executive Investigative Committee Teleconference Minutes**

Ms. Nichols motioned, Ms. King and the Board voted unanimously in favor of the motion to approve the October 26, 2018 executive session Board teleconference minutes and the November 9, 2018 executive investigative committee teleconference minutes as presented.

### **Attorney General's Report – W. Monroe**

Ms. King 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 Memo**

#### **1. MT190010**

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to deny licensure based on knowingly making a false representation to the Board on application for licensure [O.C.G.A. § 43-1-19a(2)] and close the case.

## **2. Cases for Ratification**

- a) **MT190031**
- b) **MT190032**

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

### **Investigative Committee Report – J. Clay**

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

- MT110071** Close the case. If attempt made to reinstate, the Board will reconsider the facts of the case.
- MT110073** Refer to AG office for a hearing for revocation of licensure or Voluntary Surrender for aiding and abetting unlicensed practice and advertisement violations in conjunction with Case MT180090.
- MT120058** Close the case. If attempts to reinstate, the Board will reconsider the facts of the case.
- MT120062** Referral to Investigations for a compliance check and if in compliance, close the case.
- MT120067** Close the case.
- MT130011** Close the case.
- MT130064** Close the case.
- MT150009** Close the case, insufficient evidence.
- MT130090** Close the case, insufficient evidence.
- MT160002/MT180117** Refer to Investigations.
- MT160046** Close the case, resolved.
- MT160082** Close the case, resolved.
- MT170004** Close case, insufficient evidence.
- MT170058** Schedule Investigative Interview.
- MT170060** Refer to the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists and close the case.
- MT170088** Close the case, insufficient evidence.
- MT170069** Amend the vote from the August 24, 2018 meeting to close against the unlicensed persons.
- MT170094** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to place a hold on the inactive license of Respondent Y.W.P., close the case on Respondent S.Y.H. and schedule Investigative Interview for Respondent M.S.K.
- MT170095** Close case, no action.
- MT170103** Close case, insufficient evidence.
- MT180060** Table pending additional investigation.
- MT180062** Table pending additional investigation.
- MT180091** Refer Respondent H.H. to the Attorney General's Office for a hearing or Public Cease & Desist Order and notify the county business tax office and the Georgia State Board of Cosmetology and Barbers of unlicensed practice.
- MT180145** Close case, insufficient evidence.
- MT180148** Close case, no jurisdiction.
- MT180150** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to send the Respondent a letter citing the statutory requirements for licensure.
- MT180154** Refer to Investigations for a compliance check and if in compliance, close the case.
- MT180157** Schedule Investigative Interview.
- MT180158** Close case, insufficient evidence.
- MT180162** Close case, insufficient evidence.
- MT180165** Close case, no action.
- MT180170** Refer to Investigations.
- MT190002** Close the case. If attempts to reinstate, the Board will reconsider the facts of the case.

- MT190013** Refer to Attorney General’s Office for a hearing or Public Cease & Desist Order on the owner/registered agent of the business for violations of O.C.G.A. § 43-24A-15.
- MT170113** Close and flag for 2020 audit.
- MT180099** Close and flag for 2020 audit.
- MT180124** Refer for additional investigation.

**Miscellaneous Executive Discussion**

- MT180002** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion, close the case and notify licensee that knowingly misrepresenting CE compliance is grounds for disciplinary action and include reference to the relevant Board Rules, Policies and statement of notification on the Board website.
- MT180008** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion, close the case and notify licensee that knowingly misrepresenting CE compliance is grounds for disciplinary action and include reference to the relevant Board Rules, Policies and statement of notification on the Board website.
- MT180021** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion, close the case and notify licensee that knowingly misrepresenting CE compliance is grounds for disciplinary action and include reference to the relevant Board Rules, Policies and statement of notification on the Board website.
- MT180023** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion, close the case and notify licensee that knowingly misrepresenting CE compliance is grounds for disciplinary action and include reference to the relevant Board Rules, Policies and statement of notification on the Board website.
- MT180046** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion, close the case and notify licensee that knowingly misrepresenting CE compliance is grounds for disciplinary action and include reference to the relevant Board Rules, Policies and statement of notification on the Board website.
- MT170029 / MT150025** Ms. Nichols motioned, Ms. King and the Board voted unanimously in favor of the motion to schedule an Investigative Interview.
- MT170021** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to notify the Attorney General’s Office that the Board’s counter offer includes terms and conditions as discussed in Executive Session.
- MT180151** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT160010 / MT160097** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to issue a Notice of Hearing before the Board for February 14, 2019.
- MT160022** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT170087** Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to table pending Investigative Committee review.
- MT170031** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT170111** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT170114** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT170117** Ms. Nichols motioned, Ms. King and the Board voted unanimously in favor of the motion to renew and flag for CE audit.
- MT170119** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT170120** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer to Legal Services for a Public Consent Order and a Public Reprimand with terms and conditions as discussed in Executive Session.

- MT170121** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT170137** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT170140** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180004** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180009** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180015** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180030** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180031** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180041** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180073** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180095** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180096** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180097** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180098** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close the case.
- MT180100** Ms. Nichols motioned, Ms. King and the Board voted unanimously in favor of the motion to notify the licensee of CE requirements for 2018 biennium. Refer to Attorney General's Office for a Hearing or Public Consent Order with a Reprimand to include terms and conditions as discussed in Executive Session.

**Update to Language on Renewal Application**

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to update the renewal application to separate the current CE question into two separate parts similar to the Nursing Board renewal application. Question #1: Have you met the continuing education requirements as provided for in the Board Rules for renewal of your license/certificate? Question #2: Can you produce sufficient documentation to support this statement and submit said documentation to the Board office and CE Broker upon request, or are you exempt?

- MT190001** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to schedule an Investigative Interview.
- MT170071** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to renew the license.
- MT170075** Ms. Nichols motioned, Ms. King and the Board voted unanimously in favor of the motion to approve CE, renew the license and flag for CE audit for 2020.
- MT180024** Ms. Nichols motioned, Ms. King and the Board voted unanimously in favor of the motion to approve CE, renew the license and flag for CE audit for 2020.
- MT180025** Ms. Nichols motioned, Ms. King and the Board voted unanimously in favor of the motion to approve CE, renew the license and flag for CE audit for 2020.

- MT180026** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General’s Office for a Public Consent Order to include a Reprimand with terms and conditions as discussed in Executive Session.
- MT180027** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General’s Office for a Public Consent Order to include a Reprimand with terms and conditions as discussed in Executive Session.
- MT180034** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer to Legal Services for a Public Reprimand with terms and conditions as discussed in Executive Session.
- MT180042** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General’s Office for a Public Consent Order to include a Reprimand with terms and conditions as discussed in Executive Session.

**Cognizant Report**

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

**1. MT CE Audit Hold Report – Answered No on CE Question\_11302018**

Licensees with deficient hours must submit proof of completion of required CE obtained within the biennium by January 31, 2019. If CE certificates are not submitted to Board office and to CE Broker by January 31, 2019, lapse license and reinstatement will be required.

**2. MT CE Audit Hold Report – Answered Yes on CE Question\_11302018**

Licensees with deficient hours for 2016 biennium, 2018 renewal biennium, or both, must submit proof of completion of required CE obtained within the relevant biennium to the Board office or loaded to CE Broker by January 31, 2019.

If the time period elapses and licensee is deficient for the 2016 biennium only, refer to Legal Services for a Public Consent Order with a Public Reprimand for false attestation on a renewal application and fine of \$50 per missing hour of CE, which is to be paid within 90 days of the docket date.

If the time period elapses and the licensee is deficient for the 2018 biennium only, refer to Legal Services for a Public Consent Order with a Public Reprimand for false attestation on a renewal application and fine of \$500 to be paid within 90 days of the docket date for false attestation on a renewal application and must complete the missing hours within 60 days of the docket date of the order and such hours may not be used to satisfy the requirements of the current biennium.

If the time period elapses and the licensee is deficient for both the 2016 and 2018 renewal cycles, refer to the Attorney General’s Office for a Hearing or Public Consent Order with a Reprimand to include the following terms: a fine of \$50 per missing hour for the renewal cycle ending October 31, 2016 and a fine of \$500 for making a false attestation. Must complete the missing hours for the cycle ending October 31, 2018 within 60 days of the docket date of the order. All fines must be paid within 90 days of docket date of the order. If the case proceeds to a hearing, seek revocation and court costs.

**Applications for Board Review**

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

- Application 2753405** Issue the license with a Letter of Concern regarding failure to disclose criminal history.
- Application 1089274** Renew the license with a strong Letter of Concern regarding use of inappropriate CE for renewal of licensure sent via certified mail and referencing the law, which states that knowingly misrepresenting CE compliance is grounds for disciplinary action and including references to the relevant Board Rules, Policies and statement of notification on the Board website.

- Application 1062067** Must submit proof of twelve (12) hours of hands-on CE for 2016 renewal biennium, if cannot produce, refer to Legal Services for a Public Consent Order with a Public Reprimand for false attestation on a renewal application and fine of \$50 per missing hour of CE, which is to be paid within 90 days of the docket date.
- Application 1095492** Renew the license.
- Application 1097322** Renew the license with a strong Letter of Concern regarding use of inappropriate CE for renewal of licensure sent via certified mail and referencing the law, which states that knowingly misrepresenting CE compliance is grounds for disciplinary action and including references to the relevant Board Rules, Policies and statement of notification on the Board website.

**CE Review**

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

- Application 1259494** Renew the license.
- Application 1734961** Renew the license.

**Inactive Status Requests**

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

- Application 1092951** Approve request for inactive status.
- Application 2312392** Approve request for inactive status.
- Application 2731105** Approve request for inactive status.
- Application 1068716** Approve request for inactive status.
- Application 1222258** Approve request for inactive status.
- Application 1281606** Approve request for inactive status.
- Application 2559136** Approve request for inactive status.
- Application 1098408** Approve request for inactive status.
- Application 2642590** Approve request for inactive status.
- Application 1234105** Approve request for inactive status.
- Application 2640273** Approve request for inactive status.
- Application 1724622** Approve request for inactive status.
- Application 1799142** Approve request for inactive status.
- Application 1825066** Approve request for inactive status.
- Application 1252753** Approve request for inactive status.

**Renewals**

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

- Application 1090067** Renew license with a Letter of Concern regarding criminal history.
- Application 1220220** Renew license with a strong Letter of Concern regarding use of inappropriate CE for renewal of licensure sent via certified mail and referencing the law, which states that knowingly misrepresenting CE compliance is grounds for disciplinary action and including references to the relevant Board Rules, Policies and statement of notification on the Board website.
- Application 1097973** Renew the license with a Letter of Concern regarding criminal history.
- Application 2691187** Renew license and notify licensee the Board reserves the right to take action against the license based on the outcome of criminal case. Must provide the Board with a certified copy of final disposition of the case within ten (10) days of adjudication.

**Transcript Review**

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

**Application 2744478** Approve transcript and issue the license.

**Ms. Nichols motioned, Ms. King 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 Cindy King.**

**At the conclusion of the Executive Session of Friday, December 7, 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**

**Miscellaneous Executive Discussion**

**MT180008** The Board tabled the discussion.

**Adjournment** With no further business to discuss, the meeting adjourned at 6:35 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:** January 18, 2019

**CRAIG KNOWLES**  
**BOARD CHAIR**

**ADRIENNE PRICE**  
**EXECUTIVE DIRECTOR**