

GEORGIA BOARD OF MASSAGE THERAPY
Board Teleconference Minutes
Friday, January 18, 2019 – 1:00 p.m.

The Georgia Board of Massage Therapy met via teleconference on Friday, January 18, 2019. 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
Cindy King, LMT, CMT, NMT, Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Kathy Osier, Licensing Supervisor
Kim Candler, Complaints & Compliance Analyst
Jessica Uzzo, Staff Attorney

Board Members Absent

No members absent.

Attorney General's Office Present

Wylencia Monroe, Senior Assistant Attorney General

Visitors Present

No visitors present.

Administrative Staff Absent

Michelle Hornaday, Board Support Specialist

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 1:00 p.m.

OPEN SESSION

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

Open Session Minutes

1. December 7, 2018 Board Meeting Minutes

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to approve the December 7, 2018 open session Board meeting minutes as presented.

Discussion – Federation of State Massage Therapy Boards (FSMTB) – Member Board Executive Summit

Ms. Clay motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion for Executive Director, Adrienne Price, to represent the Board in Cleveland, Ohio at the Third Annual Member Board Executive Summit hosted by FSMTB April 18-19, 2019.

Ms. Clay 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 Board members: Craig Knowles, Jennifer Clay, Pam Nichols and Cindy King.

At the conclusion of Executive Session on Friday, January 18, 2019, 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

Executive Session Minutes

1. December 7, 2018 Executive Board Meeting Minutes

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to approve the December 7, 2018 executive session Board meeting minutes as presented.

Attorney General's Report – W. Monroe

1. AG Memo BR 345-3-.02 Application for Licensure

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to post BR 345-3-.02 Application for Licensure as amended.

2. **MT160017** Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to accept the Motions for Witness Testimony by Phone.
3. Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to acknowledge that on behalf of the Board, Assistant Attorney General Reagan Dean shall file for Dismissals Without Prejudice against the Respondents in the following cases which were scheduled to be heard on February 14, 2019; and pursuant to O.C.G.A. § 50-13-13, shall refile the matters with the Office of State Administrative Hearings (OSAH):
 - a) 09:00 a.m. – PUBLIC HEARING – Georgia Board of Massage Therapy vs. Mickey Jefferson, MT010029
 - b) 01:00 p.m. – PUBLIC HEARING – Georgia Board of Massage Therapy vs. Nancy Wymbs-Cruz, MT005190
 - c) 04:00 p.m. – PUBLIC HEARING – Georgia Board of Massage Therapy vs. Chaochen Yang, MT008299
4. **MT160033** Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to accept the Initial Decision as the Final Decision and authorize the Executive Director to sign the decision with Express Permission of the Board Chair upon receipt.

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

Legal Services MEMO – Cases for Ratification

1. **MT190038**
2. **MT190041**
3. **MT190042**
4. **MT190047**
5. **MT190048**
6. **MT190049**

Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the agreements and/or orders upon receipt and authorize the Executive Director to sign with Express Permission of the Board Chair.

Miscellaneous Executive Discussion

1. **MT180008**

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to refer to Attorney General's Office for an Order granting the waiver of BR 345-4-.02(1)(2) & BR 345-4-.01 with terms and conditions to include 20 hours of hands-on CE within 120 days of order docket date. The hands-on hours may not be webinars, must be live, in-person, with the supervised instructor present throughout the entire course. The hours must be within scope of practice of massage therapy practice in the state of Georgia and if fail to comply with the order, the Board will pursue disciplinary action for violating the order.

2. **MT170016** Ms. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to close case on Respondent TT, if attempt to reinstate, will need to be presented to the Board.

Applications

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 2753405** Issue license with Letter of Concern regarding misrepresentation on application for licensure.

Application 2745586 Applicant must cause the submission of a verification from TX. If no disciplinary history found, refer to Legal Services for a Public Consent Agreement for Licensure for violations of O.C.G.A. § 43-1-19(a)(2) by committing two (2) incidences of misrepresentation on an application for licensure with a fine of \$500 to be paid within 90 days of order docket date.

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 2770085 Issue license with a Letter of Concern regarding misrepresentation on reinstatement application.

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 2507762 Applicant must submit reinstatement application due to lapsed license status.
Application 2326111 Amend the August 25, 2018 motion to the Attorney General's Office to include violations of O.C.G.A. § 43-1-19(a)(2),(4) & (6) and Board Rule 345-6-.01(2)(i) as basis for proceeding with a hearing for revocation of licensure; and notify the John's Creek Police Department of the Respondent's violation of 2017 sentencing terms.

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.

Application 2769214 Deny licensure based on failure to meet qualifications [O.C.G.A. § 43-24A-8(6)].
Application 2766941 Deny licensure based on failure to meet qualifications [O.C.G.A. § 43-24A-8(6)].
Application 2761570 Deny licensure based on failure to meet qualifications [O.C.G.A. § 43-24A-8(6)].
Application 2766308 Deny licensure based on failure to meet qualifications [O.C.G.A. § 43-24A-8(6)].
Application 2762648 Deny licensure based on failure to meet qualifications [O.C.G.A. § 43-24A-8(6)].

OPEN SESSION

Petition for Rule Variance/Waiver

1. BR 345-4-.02(1)(2) & BR 345-4-.01 – Tina Pasley

Ms. Nichols motioned, Ms. King seconded and the Board voted unanimously in favor of the motion to refer to Attorney General's Office for to issue an Order granting the waiver of BR 345-4-.02(1)(2) & BR 345-4-.01 for false attestation regarding CE compliance with terms and conditions to include 20 hours of hands-on CE within 120 days of order docket date. The hands-on hours may not be webinars, must be live, in-person, with supervised instructor present throughout the entire course. Must be within scope of practice of massage therapy, if fail to comply with the order pursue disciplinary action for violating the order.

Jennifer Clay left the meeting at 2:26 p.m.

Adjournment With no further business to be discussed, the meeting was adjourned at 2:33 p.m.

Minutes recorded by: Kathy Osier, Licensing Supervisor
Minutes reviewed and edited by: Kathy Osier, Licensing Supervisor, Adrienne Price, Executive Director
Minutes approved on: February 15, 2019

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR