

GEORGIA BOARD OF MASSAGE THERAPY
Board Meeting Agenda
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, June 14, 2019 - 9:00 a.m.

The Georgia Board of Massage Therapy met on Friday, June 14, 2019. The following members were present:

Board Members Present

Craig Knowles, BAS, LMT, BCTMB, 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

Board Members Absent

Jennifer Clay, LMT, CNMT, Vice Chair

Attorney General's Office Present

Melissa Tracy, Assistant Attorney General
Max Changus, Assistant Attorney General

Visitors Present

LaCasha Cooper, CRA
Andrew Dacres, International School of Skin, Nailcare, and Massage Therapy
Sharon Remaly, AMTA-GA
Adam Whitehead
Dwight Bunn, AMTA-GA
Katy Watson, Wiregrass Georgia Technical College
Jackie Spriggs, Wiregrass Georgia Technical College
Steven Davis
Kasey Moore

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 9:03 a.m.

OPEN SESSION

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

Open Session Minutes

1. April 26, 2019 Board Meeting Minutes

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the April 26, 2019 open session Board meeting minutes as amended for grammatical errors.

2. May 31, 2019 Investigative Committee Meeting Minutes

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to approve the May 31, 2019 open session investigative committee meeting minutes as presented.

Licenses to Ratify: April 19, 2019 – June 7, 2019

Mrs. 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 – Will CE Previously Excluded Now Count for Renewal – Toni Roberts

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to notify the writer that no changes have been made at this time; however, the Board is in the process of reviewing the amended statute in order to determine if the rules will require amendments.

Discussion – Fee Change – Decorative Wall Certificate Order Form

The Board accepts the correspondence relevant to the Fee Change – Decorative Wall Certificate Order Form, as information.

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

1. **Notice of Fraudulent CE Certificates**
2. **06-01-19 Approved Provider Disciplinary Actions by State**
3. **06-01-19 Certificant Disciplinary Actions by State**
4. **06-01-19 School Compliance Report**

The Board accepts the correspondence relevant to the April 2019 NCBTMB Approved Provider Disciplinary Actions by State, Certificant Disciplinary Actions by State and the School Compliance Report as information.

Petition for Rule Waiver

1. Rule Waiver – BR 345-4-.02 – Dana Gatty – MT007423

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-4-.02 based on the incorrect citation of the specific rule from which the waiver is requested on the petition.

2. Rule Waiver – BR 345-4-.02 & BR 345-4-.05 – Macie Gregory – MT007641

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-4-.02 & BR 345-4-.05 based on insufficient evidence to substantiate a substantial hardship and notify the petitioner of their option to request special accommodations.

3. Rule Waiver – BR 345-5-.02(2)(c)(ii) – Kelly Shaffrey Mallory

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-4-.02(2)(c)(ii) based on sufficient evidence of ability to meet the minimum examination requirements.

4. Rule Waiver – BR 345-8-.03(6) – Kasey Moore

Table for Executive Session discussion.

Education Report – C. Knowles

1. Faculty Amendment Requests

- a) Georgia Massage School – Faculty Amendment Form

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the faculty amendment for the massage therapy education program.

- b) Gwinnett College of Sandy Springs with Current Instructor List

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to accept the faculty amendment for the massage therapy education program.

2. Renewal & Audit Applications

- a) Wiregrass Georgia Technical College

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to renew the recognition status for the massage therapy education program.

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. In addition, she addressed the following topics with the Board:

Massage Therapy Licensing Database (MTLD)
Soft Stop at Renewal for CE Violations
Increase in Reactivation Application Fee

Ms. Nichols motioned, Mrs. King 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 with the Board that he will represent Georgia at the 2019 Florida State Massage Therapy Association (FSMTA) National Convention roundtable discussion June 27th in Orlando. He will provide a report for the Board during the August 30, 2019 meeting. Additionally Mr. Knowles reminded Board members to review and provide feedback regarding current and potential Federation of State Massage Therapy Boards (FSMTB) resolutions or bylaw amendments prior to the deadline so that the appropriate feedback and votes may be submitted during the FSMTB Annual Meeting in Atlanta October 3-5, 2019.

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

Miscellaneous Discussion

Ms. Price stated staff would be sending available dates for Rules Committee meetings and encouraged the members to respond quickly to the emails so the Board may begin the rule amendment process as soon as possible as it will be a lengthy process.

Ms. Nichols motioned, Mrs. King seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §§ 43-1-2 (k); 43-1-19 (h) and 50-14-2 (1) to receive and review information pertaining to applications, pending cases investigative reports and enforcement matters and to receive the Assistant Attorney General's report. Voting in favor of the motion were those present who included Board members: Craig Knowles, Pam Nichols and Cindy King.

At the conclusion of Executive Session on Friday, June 14, 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

Attorney General's Report – M. Tracy

1. AG MEMO MT190061, MT190066, MT190059

MT190061 Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and issue the license with a Letter of Concern regarding alcohol and drug use and close the case.

MT190066 Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and issue the license with a Letter of Concern regarding alcohol and drug use and close the case.

MT190059 Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and issue the license upon receipt of evidence that criminal probation has been terminated.

Mrs. 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. Cases for Ratification

- a) MT190094
- b) MT190095

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

Scheduled Board Appointments

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

11:00 a.m. Applicant 2750622 Rescind previous motion. Table pending receipt of additional information.

11:30 a.m. MT180034 Rescind previous motion and renew the license with a Letter of Concern regarding CE compliance, failure to load certificates to CE broker and failure to respond to correspondence. Send via certified mail, reference the law, which states 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. Flag for CE Audit.

12:30 p.m. Applicant 1079710 Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously that the applicant must submit a reinstatement application on the basis that the license lapsed by operation of law. File must be presented to the Board to consider the facts of this case if attempts to reinstate.

Executive Session Minutes

1. April 26, 2019 Executive Board Meeting Minutes

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the April 26, 2019 executive session Board meeting minutes as presented.

2. May 31, 2019 Executive Investigative Committee Meeting Minutes

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to approve the May 31, 2019 executive session investigative committee meeting minutes as presented.

Investigative Committee Report

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

MT190028 Refer to the Attorney General's Office for a hearing for revocation of licensure or voluntary surrender for unprofessional conduct.

MT190092 Recognize the program and close the case.

MT190090 Obtain a certified copy of the final disposition of the case and refer to the Attorney General's Office for a hearing for revocation of licensure based on misrepresentation of arrest on renewal application and convicted for prostitution.

MT190065 Refer to the Attorney General's Office for a Public Consent Agreement for Licensure with a reprimand for failure to disclose all criminal history on the application. Terms to include probation for a minimum of two (2) years with quarterly reports from employer. Respondent may petition to be released from probation at the conclusion of the probationary period.

MT190085 Close with a Letter of Concern for advertising outside the scope of practice for Massage Therapy.

MT190080 Close the case. No action.

MT190079 Notify Licensee of continuing education violations by certified mail allowing 90 days from the date of correspondence to provide proof of completion for hours taken in 2014-2016 and 2016-2018. Failure to submit hours will result in referral to the Attorney General's Office for a hearing

for revocation or Public Consent Order with fines: \$500 for false attestation on 2016-2018 renewal application and additional \$1200 for not completing continuing education 2014-2016. Must complete required 24 hours from 2016-2018 renewal and hours may not be used for future renewals. All fines must be paid before August 2020 to submit a renewal application for the 2020 biennium.

- MT180081 Close and release a copy of the investigative file to the local municipality.
- MT180111 Refer to the Attorney General's Office for a hearing for Cease and Desist Order. Release the investigative file upon request to the criminal prosecutor.
- MT180143 Refer T. H. to the Attorney General's Office for a hearing for revocation for false attestation on the application for licensure or Public Board Order with a fine of \$1000 for unlicensed practice and false attestation on an application for licensure due within 90 days of docket date. Close with a Letter of Concern for J.C. Open new case against J.H. and refer to the Attorney General's Office for a hearing for revocation for aiding and abetting unlicensed practice or Public Board Order with fine of \$500 due within 90 days of docket date and additional six (6) hours of Continuing Education in the area of business ethics. Hours used to satisfy the Order cannot be applied to future renewals.
- MT180161 Close the case. If the respondent attempts to reinstate, the Board will reconsider the facts of the case.
- MT180171 Refer to the Attorney General's Office for a Cease and Desist Hearing for unlicensed practice.
- MT190007 Refer to the Attorney General's Office for a hearing for revocation for false attestation on an application for reinstatement and unlicensed practice or a Public Consent Order with fine of \$1000 for false attestation. Fine due within 90 days of docketing. Refer case to the Georgia Board of Cosmetology and Barbers for licensed cosmetologist aiding and abetting unlicensed practice.
- MT190008 Close the case, no action.
- MT190072 Close the case due to insufficient evidence.
- MT190073 Close the case, no jurisdiction.
- MT190074 Refer S.W. to the Attorney General's Office for a hearing for revocation or voluntary surrender for aiding and abetting unlicensed practice or Public Consent Order with fine of \$1000 due before October 1, 2020. Send Letter of Concern to X.L. for failure to report unlicensed practice.
- MT190075 Refer L.N. to the Attorney General's Office for a hearing or revocation for aiding and abetting unlicensed practice of B.E.Y. and X.H. Place a hold against respondent B.E.Y. for future review.
- MT190078 Close with Letter of Concern to the Y.C. for aiding and abetting unlicensed practice. Refer the investigative file to the local municipality.
- MT180152 Refer to Legal Services for a Public Consent Agreement for Licensure with fine of \$1250 (\$500 for failure to disclose employment as a massage therapist and \$750 for unlicensed practice). Refer the licensed cosmetologist to the Georgia Board of Cosmetology and Barbers for aiding and abetting unlicensed practice.
- MT190070 Close the case, insufficient evidence.
- MT190069 Table and refer to investigations.

MT190033 Refer K.D. to the Attorney General's Office for a Public Consent Agreement for Licensure with fine of \$1000 for unlicensed practice and false attestation on an application for licensure. Fine must be paid in full by October 1, 2020. Refer J.L.T. to the Attorney General's Office for a hearing for revocation for aiding and abetting unlicensed practice or a Public Consent Order with fine of \$500 due within 90 days of docketing. Six (6) hours of business ethics continuing education due within 90 days. Continuing education may be completed online or in person but may not be applied to future renewals.

Miscellaneous Executive Discussion

1. **MT190130** Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to close the case with a Letter of Concern regarding the issuance of fraudulent CE certificates and notify the Respondent the Board may consider denying the acceptance of their future course offerings in the state of Georgia.

3. **MT200008** Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to open complaint case and notify licensee to submit proof of 24 hours CE for 2016 biennium within 60 days of date of notice. If unable to produce, refer to Legal Services for Private Consent Order with a fine of \$1200 for failure to meet CE requirements for renewal of licensure [O.C.G.A. § 43-24A-14(b) and BR 345-4-.02]. CE submitted to meet requirements may not be used for future renewal biennium. Flag for CE Audit.

Applications

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

- Applicant 2731087** Issue license.
- Applicant 2587526** Deny application for renewal of licensure on the basis that the license lapsed by operation of law. Applicant must reinstate.
- Applicant 2780401** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure to include probation until December 18, 2020 based upon the applicant allowing the license to lapse while practicing under a period of probation as stipulated in a Public Consent Order issued by the Board. Flag for CE Audit. May petition to terminate probation upon satisfactory completion of the specified probationary term.
- Applicant 1278801** Renew license.
- Applicant 2788212** Rescind previous motion to deny. Table pending receipt of additional information.
- Applicant 2766941** Rescind previous motion to deny and issue license.
- Applicant 2766308** Uphold previous motion to deny.
- Applicant 2769214** Accept transcript and issue license.
- Applicant 2800503** Deny based on failure to demonstrate successful completion of a Board recognized education program [O.C.G.A. § 43-24A-8(b)(6) and BR 345-8-.03(6)].
- Applicant 2748996** Accept transcript and issue license.

Ms. Nichols motioned, Mrs. King seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §§ 43-1-2 (k); 43-1-19 (h) and 50-14-2 (1) to receive and review information pertaining to applications, pending cases investigative reports and enforcement matters and to receive the

Assistant Attorney General’s report. Voting in favor of the motion were those present who included Board members: Craig Knowles, Pam Nichols and Cindy King.

At the conclusion of Executive Session on Friday, June 14, 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

1:00 p.m. Applicant 2779055 Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to issue the license upon receipt of requested information.

1. Rule Waiver – BR 345-8-.03(6) – Kasey Moore

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-8-.03(6) based on evidence the educational program is substantially equivalent.

Adjournment With no further business to be discussed, the meeting was adjourned at 1:10 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Adrienne Price, Executive Director
Minutes approved on: August 30, 2019

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR