

**GEORGIA BOARD OF MASSAGE THERAPY
Board Meeting Agenda
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, August 30, 2019 - 9:00 a.m.**

The Georgia Board of Massage Therapy met on Friday, August 30, 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
Amanda Califf, Licensing Supervisor

Board Members Absent

Jennifer Clay, LMT, CNMT, Vice Chair

Attorney General's Office Present

Melissa Tracy, Assistant Attorney General

Visitors Present

Andrew Dacres, Director of Education, International School of Skin, Nailcare, and Massage Therapy
Jane Johnson
George S. Ray, Attorney at Law, Georgia Chapter AMTA

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 9:19 a.m.

OPEN SESSION

Agenda

Mrs. 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. June 14, 2019 Board Meeting Minutes

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to approve the June 14, 2019 open session Board meeting minutes as presented.

2. July 26, 2019 Investigative Committee Meeting Minutes

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

3. August 22, 2019 Rules Committee Meeting Minutes

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the August 22, 2019 open session rules committee meeting minutes as presented.

4. August 23, 2019 Rules Committee Meeting Minutes

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to approve the August 23, 2019 open session rules committee meeting minutes as presented.

Licenses to Ratify: June 7, 2019 – August 23, 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 – American Massage Therapy Association (AMTA) Georgia, Letter Regarding CE, Vivian Davis, AMTA GA President

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to notify the writers that the Board appreciates the information and that their submission was reviewed during the two Rules

Committee meetings, August 22-23, 2019, and the comments and suggestions were taken under advisement when revisions to Board rules and policies were recommended by the committee.

Discussion – Alaska Massage License Requirements Change

1. Correspondence – Dawn Dulebohn, Licensing Examiner, Alaska Board of Massage Therapists
2. Verification of License Form
3. Alaska Statutes & Regulations – Massage Therapists

The Board accepts the correspondence relevant to the Alaska Massage License Requirements Change as information.

Discussion – Federation of State Massage Therapy Boards (FSMTB) – Call for Nominations

The Board accepts the correspondence and report regarding the FSMTB Call for Nominations, as information.

Discussion – National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) 7:00 rec

1. 08-01-19 Approved Provider Disciplinary Actions by State
2. 08-01-19 Certificant Disciplinary Actions by State
3. 08-01-19 School Compliance Report

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

Discussion – Rules Committee

1. Board Rule Chapter 345
2. Board Policy Manual

1. Chapter 345-6. Standards for Massage Therapy Educational Programs

a) Rule 345-6-.01. Board Recognition Status Requirements

The Board entered into a discussion regarding the purpose of amending 345-6-.01. Board Recognition Status Requirements, and cited the need for clarification in the language to mirror the requirements in the statute and to carry out its policy objectives. The Board stated that this will alleviate the need for technical schools to submit a rule waiver for the NPEC requirement. The amendment will expand access to all services which allows for technical schools to offer Board approved programs. For these programs to comply with the requirements, records are required by the program administrator.

The Board has considered multiple variations and finds this amendment the least restrictive. The independent support for the Board’s opinion about these changes would include the individual technical schools who have submitted many queries to the Board regarding this restriction.

The amendment will affect all massage therapy educational programs and upholds national standards as to what information other healthcare educational programs are required to collect and maintain on their students. The schools and the students will be affected positively in that there will be less restrictions to navigate the NPEC requirement and will provide students more options for programs with which to enroll.

The Board determined there is a positive economic impact of 345-6-.01. Board Recognition Status Requirements, upon both the massage therapy educational programs and potential students as it eliminates some of the barriers to gaining Board recognition, enables prospective students to obtain licensure more readily which is a positive economic impact for students.

The amendments also serve to ensure that the programs employ competent faculty and practitioners and assists in the prohibition of teaching of unsafe practices. They further protect the student’s educational environment by requiring that there be qualified faculty present and responsible for the education of the massage therapy students at all times. The Board recognizes that whereas there is a potential narrowing of the path of individuals who desire to teach; the impact is negligible in that there will be improvements in job placement which will in turn improve the

reputation of the educational program and thus lend to an increase in the number of admissions to the programs. The Board's conclusion is that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

The Board determined that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-50-21, 43-50-23, 43-50-24, 43-50-31 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.

345-6-.01. Board Recognition Status Requirements

- (1) A massage therapy educational program which is located within the state of Georgia is eligible to become recognized if the program submits a complete application and fee to the Board and the following requirements are met:
 - (a) The program complies with the requirements of this rule and the standards for curriculum and faculty set forth in Board Rules Chapter 345-6;
 - (b) The program must possess a current, unencumbered National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) School Provider Code; and,
 - (c) The program must possess a current, unencumbered Nonpublic Postsecondary Education Commission (NPEC) Authorization number; or,
 1. A postsecondary institution of the Technical College System of Georgia that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or its equivalent; or,
 2. A postsecondary institution that is accredited by an accrediting agency recognized by the United States Department of Education and that is authorized or approved by a professional licensing board, department, or agency in another state, jurisdiction, or territory whose standards have been determined by the board to be equivalent to the Nonpublic Postsecondary Education Commission.
 - (d) The program requires each student to achieve a minimum grade of 70% and a minimum attendance of 70% per course throughout the program in order to receive credit for the attainable clock hours awarded to any massage therapy related course and clinical work and provides the student with a copy of this requirement;
 - (e) The program maintains a current, written program catalog to include but not limited to information relevant to the philosophy and objectives of the program, and course outlines or syllabi for all massage therapy courses;
 - (f) The program maintains a student handbook and provides a copy to each student;
 - (g) The program maintains a permanent student records that summarize the credentials for admission to include the following:
 1. Age at the time of admission to the program;
 2. A copy of the high school diploma in English or its recognized equivalent;
 3. Documentation of citizenship status in the United States or a permanent resident of the United States;
 4. Attendance;
 5. Grades and other records of performance;
 6. Identity of the instructor for each course in which the student was enrolled;

7. Any transfer hours the student received credit for which were attained from another program or school;

(h) On or before January 31st of each year, the program must submit a list of massage therapy educational program graduates for the previous calendar year. The list must include the following information for each graduate:

1. Full name;

2. Date of birth;

3. Enrollment and graduation date; and,

4. Last four digits of their social security number.

(2) Massage Therapy educational programs located outside the state of Georgia may be recognized by the Board at its sole discretion if:

(a) The program meets the requirements as codified in O.C.G.A. 43-24A-3(4); and,

(b) The program holds and maintains a current and unencumbered NCBTMB School Provider Code; and,

(c) The program substantially equals or exceeds the Georgia requirements for Board recognized massage therapy educational programs set forth in rules Board Rules Chapter 345-6.

(3) The recognition of massage therapy educational programs located outside of the United States is at the discretion of the Board. In evaluating the program, the program will be required to submit an application along with additional information to include but not limited to:

(a) Transcripts that have been translated by a reputable and verifiable credential evaluation service approved by the Board; and,

(b) Proof that the massage therapy educational program substantially equals or exceeds the Georgia requirements for Board recognized massage therapy educational programs as established in Board Rules Chapter 345-6.

b) Rule 345-6-.02. Curriculum Requirements

The Board made no substantive changes to Rule 345-6-.02. Curriculum Requirements.

345-6-.02. Curriculum Requirements

In order for applicants to be eligible for licensure he or she must have completed (graduated) from a board recognized massage therapy educational program. In order for the massage therapy educational program of a school to be recognized by the Board, the program must have a minimum curriculum of five-hundred (500) total supervised clock hours of classroom and hands-on instruction at the board recognized massage therapy educational program location approved by the Board. Community events must also be supervised by the faculty or staff identified in the program application as approved by the Board.

(a) For purposes of this rule, "supervised" means the supervisor is physically on-site, qualified and immediately available.

(b) The minimum required subject matter and activities and the minimum required hours are as follows:

1. A minimum of one hundred twenty-five (125) hours of human anatomy, physiology and kinesiology;

2. A minimum of forty (40) hours of pathology;
3. A minimum of two-hundred hours (200) in massage therapy theory, technique and practice, which must include instruction in clinical techniques and hands-on clinical practice and must include, at a minimum, the following subject matters: effleurage/gliding; petrissage/kneading; compression; friction, tapotement/percussion; vibration; direct pressure; superficial warming techniques; pumping; stretching; jostling; shaking; rocking;
4. A minimum of one hundred twenty-five (125) hours of 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;
5. A minimum of ten (10) hours of instruction in ethics and business (to include a minimum of six (6) hours in ethics); and,
6. Of the five hundred (500) total clock hours, the curriculum must include a minimum of fifty (50) hours in supervised student clinical practice, but no more than sixty (60) hours in supervised student clinical practice. Nothing in this rule shall be construed to prohibit a massage therapy school that has a curriculum greater than five hundred (500) hours from having more supervised student clinical practice so long as it has at least four hundred and forty (440) hours of in-class supervised instruction.
7. If an applicant transfers from a board recognized massage therapy education program into another board recognized massage therapy education program and any of the clock hours from the original program(s) are accepted as a part of the program to which the applicant transferred, the name of the original program and the clock hours accepted from that program must be identified on the transcript provided to the Board. If the transferred hours are not from a board recognized massage therapy educational program, the hours may not be used to satisfy the curriculum requirements of this rule.

c) Rule 345-6-.03. Faculty Requirements.

The Board indicated the purpose of amending 345-6-.03. Faculty Requirements, is to strengthen instructor requirements for those employed at Board approved massage therapy educational programs. The recommendations increase the amount of required experience from two (2) to four (4) years. The Board determined that the profession would greatly benefit from increasing the experience requirement necessary to be an educator in a curriculum for a massage therapy education program. The amendment will also provide the opportunity for lead instructors to gain more experience in their field which will ultimately provide a better, more experienced educator who will produce quality graduates.

The Board determined that it was important to ensure that all educators follow the laws and rules of their profession, to include the maintenance of an active and unencumbered license, and have the recommended number of years of experience in teaching in their field. The Board proposed that as of July 1, 2020 any newly hired lead faculty member of a program would need to show that he or she is in compliance with the requirements of this rule. Lead faculty members where were employed prior to July 1, 2020 would be evaluated under the provisions of the rule that is currently in effect and will be exempt from the requirements.

The amendment will carry out the objectives expressed in the statute by requiring more experience from the faculty who are responsible for the education of the student. The increase in education requirements for lead instructors will ensure teacher competence and the student will benefit from the educators broad experiences. The amendments in faculty qualifications will serve to minimize incidences of unsafe practices in the teaching environment as the educators will be more knowledgeable about various practice environments, which further protects the students within their educational environment.

The Board considered multiple variations and feels this is the least restrictive avenue to accomplish the state's policy objectives.

The Board entered into a discussion on the economic impact of the amendment to 345-6-.03. Faculty Requirements, on licensees and noted that there is a positive economic impact as the student will be under the tutelage of a more seasoned instructor and not invest their money into sub-par education programs that fail to equip their students to pass the exam and provide the minimum reasonable standards of care once licensed. The amendments improve upon the quality of education for the student. The potential negative impact relates to the recruitment of faculty for the massage therapy education programs. The cost of employing more experienced instructors has the potential to be transferred to the students in the form of higher tuition. However, the board sees this negative economic impact as negligible as students pay to attend institutions of higher learning to receive the best quality education in the hopes that such education will ensure that he or she will be able to enter the profession, practice safely and reap the personal and financial benefits of the labor and cost it took to obtain the profession. Attendance at a program which lacks proper accreditation, recognition and faculty means that it is less likely that the student will reap those benefits.

The Board determined that the greatest positive economic impact is that the amendment will produce more qualified students to saturate the market and provide for higher quality job placement which will ultimately make the program from which they graduated look more appealing to future applicants for their programs. The students that receive a better education will most likely last longer in the marketplace. Graduates are more knowledgeable coming out of school and entering the workforce.

The amendments to this rule is an effort by the Board to raise the educational standards of massage therapy educational programs to that of other healthcare professions as well as massage therapy programs in other states, jurisdictions and territories. Without the recommended amendments, instructors lack the experience necessary to pass on the knowledge and wisdom necessary to create applicants and licensees who fully understand safe decisions in regards to treatment.

The Board determined that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

The Board determined that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-50-21, 43-50-23, 43-50-24, 43-50-31 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.

345-6-.03. Faculty Requirements.

- (1) In order to be a board recognized massage therapy educational program, the program must have a student to faculty ratio in the lab/clinical/community area that shall not exceed twenty (20) students to one (1) instructor, with no more than ten (10) student therapists and ten (10) students serving as clients. Lecture classes are not subject to this ratio.
- (2) All licensed faculty must maintain compliance with all statutes and rules governing their practice to include but not limited to all renewal requirements.
- (3) Lead faculty for lab, clinical and community courses shall hold a current Georgia massage therapy license and must demonstrate competence in their respective areas of teaching as evidenced by a minimum of a Bachelor's degree or 4 years of experience in the course(s) they will be teaching.
- (4) Lead faculty for human sciences courses (anatomy, pathology, physiology) are not required to hold a massage therapy license; however, the faculty member must demonstrate competence in their respective areas of teaching as evidenced by a minimum of a Bachelor's degree or 4 years of experience in the course(s) they are teaching.

- (5) All program faculty members must teach at the physical address which has been provided to the Board on the program's application to become a board recognized massage therapy educational program.
- (6) The Board shall be notified in writing of any program faculty changes within ten (10) days of the date the change becomes effective.
- (7) In order to be a board recognized massage therapy educational program that utilizes faculty assistants, the program shall establish and maintain policies that outline the qualifications, duties and procedures for use of faculty assistants including, but not limited to, the following requirements:
 - (a) Faculty assistants for lab, clinical and community courses must have an active Georgia massage therapy license;
 - (b) Faculty assistants shall work under the direct supervision of approved faculty;
 - (c) Faculty assistants shall not be used as substitutes or replacements for regular faculty; and,
 - (d) Faculty assistants shall not be responsible for the overall evaluation of any student.
- (8) Faculty assistants are not required to have a minimum of a Bachelor's degree or 4 years of experience.
- (9) When student clinical practice is being performed on the general public, the supervising clinical faculty instructor(s) shall hold a current Georgia massage license.

d) Rule 345-6-.04. Reconstitution or Discontinuation of a Massage Therapy Educational Program

The Board entered into a discussion regarding the purpose of amending 345-6-.04. Reconstitution or Discontinuation of a Massage Therapy Educational Program, and stated the amendment will inform school owners and massage therapy program directors of what is required of them in order to gain and maintain recognition and approval by the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB), Georgia Nonpublic Postsecondary Education Commission (NPEC) and the Board.

The Board further stated the recommended amendments will remove information asymmetries for consumers by providing information to students regarding massage therapy educational programs. The information will enable students to make more informed decisions when choosing which massage educational program to attend as they clarify how the programs are to assist their students should it choose to reconstitute or discontinue its massage therapy educational programs or fail to meet all the requirements to maintain recognition status with the Board. Protections will be afforded to the students by assisting them to understand what constitutes an approved massage therapy educational program.

The amendment carries out policy objectives that are expressed in statute by clarifying the information the Board expects to receive regarding changes to the school's massage therapy educational program. The amendment will also provide clarity for school closures and discontinuations, especially in regards to record retention.

The Board considered multiple variations of the rule amendment and concluded this is the least restrictive way in which to accomplish the State's policy. The Board further indicated that the independent support for their recommendations can be found within Georgia NPEC and NCBTMB regulations and standards as well as the standards outlined in the rules of other healthcare board such as the Georgia Board of Nursing.

The Board determined there is a positive economic impact in that the amendment will more clearly identify how to reinstitute a massage therapy educational program. Additionally, students will not enroll in a program that is not Board approved which protects them from losing tuition spent on obtaining a degree which they cannot use to obtain licensure or gainful employment as a massage therapist in the state of Georgia.

The Board determined that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

The Board determined that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-50-21, 43-50-23, 43-50-24, 43-50-31 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.

345-6-.04. Reconstitution or Discontinuation of a Massage Therapy Educational Program

- (1) When a board recognized massage therapy educational program that is located within the state of Georgia is:
 - (a) Sold to a new owner and no other changes have occurred, within ten (10) days the current owner must:
 1. Inform the Board of new ownership; and,
 2. Provide the Board with proof that the current owner notified the new owner of the requirement to submit a copy of the unencumbered, NCBTMB School Provider Code and NPEC Authorization Number certificates (or any similar documents from any equivalent agency as identified in paragraph 1 subsections g and h above) that were issued to them as the new owner.
 - (b) Moving or expands to another location, the program must submit, in writing, the physical and mailing addresses associated with the new location(s). Such notification must occur at least thirty (30) days before the move or expansion takes place.
 - (c) Only changing the title of the program or the name of the school, the program must submit the name change in writing to the Board within ten (10) days.
 - (d) Changing faculty and faculty assignments, the program director or coordinator must submit and complete the Faculty Amendment Form within ten business days of the change in faculty; and,
 1. The program must ensure that all licensed faculty must maintain compliance with all statutes and rules governing their practice to include but not limited to all renewal requirements; and,
 2. If the program is notified that any licensed faculty is out of compliance with the Board laws and rules, the faculty member may not teach until such time that he or she has provided proof of having satisfied all requirements of their respective licensing board.
 - (e) Amending the program curriculum, a new application must be submitted prior to the implementation of the changes to include a new, unencumbered NCBTMB School Provider Code and NPEC Authorization Number or any similar documents from an equivalent entity as identified in paragraph 1 subsections g & h above.
 - (f) Under investigation by any entity, the program must notify the Board in writing within 10 business days of the date the program became aware. Such notification shall include a copy of the notice the program received informing them of the pending investigation.
 - (h) Does not admit any students in a calendar year, the program must close unless approval has been granted by the Board based on the justification for continuation submitted to the Board.
- (2) When a board recognized massage therapy educational program that is located within the state of Georgia is discontinued or closes, the program shall:
 - (a) Notify the Board in writing of the intent to discontinue or close the massage therapy educational program to include:
 1. A timetable;
 2. A plan for students to complete the course of study or transfer to another board recognized massage therapy educational program.

(b) Be responsible for providing for the permanent retention and security of student and graduate records and ensuring the permanent safekeeping and availability of records of the massage therapy educational program.

e) Rule 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status

The Board entered into a discussion regarding the purpose of amending 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status, and cited the amendment adds protection for students as it allows the Board to offer conditional recognitions to programs instead of completely unrecognizing them if they fall short on meeting a requirement of the Board. Presently, if a program falls short of meeting a requirement, it is unrecognized by the Board and all of the coursework the student obtained from that program is null and void. The student loses their time, their money and their educational credits which makes them ineligible to take the national examination and obtain a license.

With a conditional recognition process, the Board can afford the program the opportunity to correct any deficiencies before a decision regarding recognition status is rendered. In such a process the students are informed of the conditional status of their program so that he or she can make some informed decisions regarding whether they wish to stay at the same program or transfer credits to a different program that has full recognition status.

The Board stated this amendment will also allow the massage therapy educational programs time to regain compliance with all requirements without jeopardizing their school, their faculty, their financial portfolio, and most importantly their students.

The Board considered multiple variations of the rule amendment and concluded this is the least restrictive way in which to accomplish the State's policy.

The Board stated that there is a positive economic impact in that the amendment will build in some protections for the massage therapy education program as it relates to their recognition status and the students as they make program choices.

The Board determined that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

The Board determined that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-50-21, 43-50-23, 43-50-24, 43-50-31 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.

345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status

(1) To maintain recognition status, a board recognized massage therapy educational program shall:

(a) Submit a complete Renewal and Audit Application and fee a minimum of 60 days prior to March 31st of even or odd years, according to the expiration date the program is provided in the program approval notice issued by the Board; and,

(b) Provide documentation of a passing percentage of at least eighty (80) percent of all first-time takers of MBLEx for each graduating class.

(2) If a Board recognized program does not meet or fails to comply with the requirements of the Georgia Massage Therapy Practice Act and Board Rules Chapter 345-6, the Board may:

(a) Provide notice to the program of incidences of noncompliance and require that each be corrected within a time period specified by the Board; and,

- (b) Take disciplinary action as codified in O.C.G.A. § 43-24A-17; or,
- (d) Withdraw the recognition status of the program when continued, documented noncompliance with the rules fails to be corrected within a time period specified by the Board. If recognition status is withdrawn, the Board will notify the massage therapy educational program in writing of the actual date of withdrawal and indicate the program status on the Board website. Prior to the actual date of withdrawal, the program shall:
 - 1. Provide the Board a list of students who are currently enrolled in at least one massage therapy course when recognition is withdrawn; and,
 - 2. Submit a written plan for each student's completion of the program, if such will occur before the actual date of withdrawal, or for their transfer to another board recognized massage therapy educational program;
 - 3. Notify all current students in writing of the withdrawn recognition status within ten business days from receipt of the Board's notice. Such notification must also include a statement indicating that students who graduate from an unrecognized program will not be eligible for licensure.
- (2) Before the Board will consider restoring a massage therapy education program to a Board recognized status, the program must submit a new application; and,
 - (a) Document compliance with all relevant statutes and rules; and,
 - (b) Provide evidence that the students that were enrolled in the program at the time that the recognition status was withdrawn have successfully graduated from or transferred to another board recognized massage therapy education program.

2. Chapter 345-7. Discipline

a) Rule 345-7-.01. General Provisions

The Board indicated the purpose of amending 345-7-.01. General Provisions, is to remove information asymmetries for consumers expressed in statute, as well as to carry out policy objectives that are stated therein. The statute provided for the independent support for the rule amendment.

The Board stated there is negligible economic impact upon licensees unless they are found in violation.

The Board determined that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

The Board determined that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-50-21, 43-50-23, 43-50-24, 43-50-31 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.

345-7-.01. General Provisions

- (1) Upon finding that a violation has occurred, in accordance with O.C.G.A. § 43-1-19 and 43-24A-7, the Board has the authority to refuse to grant or renew a license to a person, revoke the license of a person licensed by the Board, or discipline or sanction any person or entity found by the Board to have committed a violation of the referenced chapters.
- (2) In addition, the Board may impose any or all, but not limited to, the following:
 - (a) Public or Private Reprimand;

- (b) Letter of Concern;
 - (c) Imposition of Fine(s);
 - (d) Period of Probation;
 - (e) Cease and Desist Order;
 - (f) Any other action the Board may deem appropriate, up to and including possible suspension and/or revocation of the professional license.
 - (g) Assess costs against the violator for expenses relating to the investigation and administrative action.
- (3) The Board may consider each violation as a separate violation and impose a fine of not more than \$500 for each convicted offense, \$1000 per subsequent conviction and/or possible imprisonment, in accordance with O.C.G.A. §§ 43-24A-15, 43-1-20 and 43-24A-24.
- (4) Mitigating circumstances may be taken into account in varying the sanctions subject to the Board's discretion. Mitigating circumstances shall not include failure to notify the Board of an address change or failure to receive a renewal application or reminder notice.

b) Rule 345-7-.02. Display of License

The Board entered into a discussion regarding the purpose of amending 345-7-.02. Display of License, and cited the need for clarification in the language so that it will be on one accord with the law. The amendment provides clarification about the display of licenses for individuals who have a mobile massage therapy practice.

It also aligns the rule with what is expected of other healthcare practitioners referenced in the Georgia Consumer Information and Awareness Act so as to ensure that consumers are able to clearly view the credentials of their practitioner.

The Board stated there is negligible economic impact upon licensees due to the fact that posting proof of licensure has no prohibitive cost.

The Board determined that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

The Board determined that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-50-21, 43-50-23, 43-50-24, 43-50-31 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.

345-7-.02. Display of License

- (1) All licensees shall display their license certificate or a photocopy thereof in an appropriate and public manner at each location at which he or she practices.
- (2) In a mobile practice, licensees shall display their license certificate or a photocopy thereof in an appropriate and public manner. Such display may be achieved by displaying the license on their person or on the premises where the massage therapy services are performed.

c) Rule 345-7-.03. Advertising

The Board indicated the purpose of amending 345-7-.03. Advertising, is to prevent deceptive advertising practices and the use of illicit images in advertising. The amendment will remove information asymmetries for consumers

and carry out policy objective expressed in statute by prohibiting and preventing unsafe practices and fraud through increased public awareness.

The Board considered multiple variations of the rule amendment and concluded this is the least restrictive way in which to accomplish the State's policy. The independent support for the amendment is the Georgia Consumer and Information Awareness Act.

The Board stated there is negligible economic impact upon licensees as it maintains that individuals will advertise correctly to allow the consumer to make informed decisions.

The Board determined that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

The Board determined that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-50-21, 43-50-23, 43-50-24, 43-50-31 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.

345-7-.03. Advertising

- (1) It shall be considered a violation of the massage therapy practice act to:
 - (a) Publicly misrepresent oneself to be a massage therapist in any form unless the individual has an active, valid license issued by the Board to practice massage therapy in Georgia;
 - (b) Advertise massage therapy services in conjunction with escort or dating services, adult entertainment, or illegal acts relating to sex related crimes
 - (c) Advertise false, misleading, or deceptive practices or images as it relates to massage therapy.
- (2) Only duly licensed massage therapists practicing in accordance with the Board rules and Georgia law may practice massage therapy in Georgia, or, use in connection with their own name or that of their business or employer, the terms massage, massage therapy, massage therapist, massage practitioner, or the letters M.T. or L.M.T. or any other representation either directly or indirectly, indicating to the general public that massage therapy is provided or available.
- (3) Actively licensed massage therapist shall include their Georgia massage therapy license number on all forms of advertisement.
- (4) Establishments providing massage therapy services by more than one licensed massage therapist shall include on all forms of advertisement the following statement: "Georgia Licensed Massage Therapists."

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the recommendations and discussions concerning the purpose and main features for the rules amended during the Rules Committee Meetings and today's meeting. Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer Board Rules Chapter 345 as amended, to include a copy of the Rules Committee Minutes to reflect the rationale for such revisions that were previously discussed and the work done today, to the Attorney General's Office for a Memorandum of Authority, and if no objections, vote to post.

Board Policies

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to adopt the Georgia Board of Massage Therapy Policy Manual as amended by the Rules Committee, to include a copy of the Rules Committee Minutes to reflect the rationale for such revisions, and to refer the manual to the Attorney General's Office for a Memorandum of Authority. If no objections, vote to post.

Petition for Rule Waiver

1. Rule Waiver – BR 345-8-.03(6) – Hetu-Robert, Michel

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 sufficient evidence to substantiate a substantial hardship.

2. Rule Waiver – BR 345-4-.05(2)(c)(ii) – Gatty, Dana Arthur MT007423

Mrs. 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.

Discussion – Board and Investigative Committee Meeting Dates

All meetings are scheduled to begin Fridays at 9:00 a.m.

1. Board Meetings

February 21, 2020
April 17, 2020
June 12, 2020
August 28, 2020
October 9, 2020
December 11, 2020

2. Investigative Committee Meetings

January 17, 2020
March 20, 2020
May 22, 2020
July 24, 2020
September 25, 2020
November 20, 2020

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to accept the 2020 Board meeting dates and the Investigative Committee meeting dates as presented.

Board Member Elections 1:14

1. Board Chairperson

Mrs. King motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to re-elect Craig Knowles as the Board’s Chair.

2. Vice Chairperson

Mrs. King motioned, Mr. Knowles seconded, and the Board voted unanimously in favor of the motion to elect Pam Nichols as the Board’s Vice Chairperson.

3. Arrest Cognizant

Mrs. King motioned, Mr. Knowles seconded and the Board voted unanimously in favor of the motion to elect Pam Nichols as the Board’s Arrest Cognizant.

4. Education Cognizant

Ms. Nichols motioned, Mrs. King seconded, and the Board voted unanimously in favor of the motion to re-elect Craig Knowles as the Board Education Cognizant.

5. Reinstatement Cognizant

Ms. Nichols motioned, Mr. Knowles seconded and the Board voted unanimously in favor of the motion to elect Cindy King as the Board’s Reinstatement Cognizant.

6. Investigative Committee

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to re-elect Craig Knowles and Jennifer Clay as the Investigative Committee Board members.

Education Report – C. Knowles

1. Southern Regional Technical College – Change in School Leadership

Mrs. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to accept the change in school leadership for the massage therapy educational program.

2. USDOE Notice – Woodruff Medical Training and Testing – (Lake Lanier School of Massage) – Final Audit Determination

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the information regarding Woodruff Medical Training and Testing – (Lake Lanier School of Massage) – Final Audit Determination, as information.

3. Augusta School of Massage – ACCSC School of Distinction Award Notice

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to acknowledge receipt of the award and add the notice to the massage therapy educational program school file.

4. Coastal Pines Technical College – Renewal and Audit Application

The Board tabled discussion for Executive Session.

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

Ms. King motioned, Ms. Clay seconded and the Board voted unanimously in favor of the motion to accept the Executive Director’s Report as presented.

Education Report – C. Knowles

1. Cohutta Healing Arts Institute – Faculty Amendment

Mrs. 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.

Board’s Chair Report – C. Knowles

Mr. Knowles recommended that the Board consider notifying NPEC of the Board’s current board recognized educational program list and once the rules and policies are adopted, forward a copy to them so that NPEC can ensure that their processes are aligned with those of the Board. Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion for staff to provide this information to the Department of Education and request this review once adopted.

Mr. Knowles informed the Board regarding his upcoming meeting next week with the state and national reflexology certification groups. He stated he will provide information to the Board about the meeting in October.

Mr. Knowles reminded those present that the Annual Meeting of the Federation of State Massage Therapy Board will take place in Atlanta in September and Ms. King will be serving as the Board’s voting delegate.

The Board voted to accept the Board’s Chair Report as presented.

Miscellaneous Executive Session

Ms. Price informed the Board that the Secretary of State’s office is seeking to amend the Joint Secretary Rules to reduce the late lapsed renewal periods for all professional licensing boards within the Division to a period of one

month. She further stated that the rule revision would not directly impact this Board since the late lapsed renewal period for massage therapists is currently one month from the expiration date of the license.

Mrs. King motioned, Ms. Nichols 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, August 30, 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

Scheduled Board Appointments

Personal Appearances

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 2805330 Issue the license.

11:30 a.m. Applicant 2761570 Rescind previous motion to deny, and issue license.

Executive Session Minutes

1. June 14, 2019 Executive Board Meeting Minutes

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to approve the June 14, 2019 executive session Board meeting minutes as presented.

2. July 26, 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 July 26, 2019 executive session investigative committee meeting minutes as presented.

3. August 22, 2019 Executive Rules Committee Meeting Minutes

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to approve the August 22, 2019 executive session rules committee meeting minutes as presented.

4. August 23, 2019 Executive Rules Committee Meeting Minutes

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to approve the August 23, 2019 executive session rules committee meeting minutes as presented.

Attorney General's Report – M. Tracy

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

Legal Services Memo

1. Requests for Reconsideration

- a) MT190097 Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to uphold the previous motion.

- b) MT190098 Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to uphold previous motion and offer a payment plan for the fine to allow Respondent to pay a minimum of \$50/month for 12 months.

2. Case for Closure MT190099

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to grant request to withdraw application for reinstatement of license and close the case. If attempt to reinstate, application must be presented to the Board to consider the facts of the underlying case before reinstatement will be considered.

3. Records Request – Applicant 2453344

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to deny the request to release the requested records.

4. Cases for Ratification

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

- a) MT190096
- b) MT190076
- c) MT200003

Investigative Committee Report

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

MT190030	Offer Voluntary Surrender. If signed, accept upon receipt and close the case.
MT180014	Close the case.
MT180117	Close the case.
MT180124	Close the case and release complaint file to the Department of Education and NPEC with a letter indicating the Board's concerns.
MT180155	Close the case.
MT180159	Close the case.
MT190065	Rescind the previous motion, close the case and issue the license with a letter of concern regarding criminal history and flag for CE audit.
MT190067	Renew License with a Reservation of Rights Letter and notice that the respondent must provide the Board a certified copy of the final court disposition within 10 days of adjudication.
MT190106	Close the case.
MT190107	Close with a Letter of Concern indicating that the Board accepts the additional 8 hours of CE and that all CE taken prior to June 4, 2019 may not be used to meet the CE requirements for the current or future renewals.
MT190110	Schedule Investigative Interview for Respondent K.O.
MT190111	Refer to the Attorney General's Office for a hearing for Revocation of Licensure for aiding and abetting ULP [O.C.G.A. § 43-1-19(a)(6 - 8)] or a Voluntary Surrender.
MT190119	Refer to the Attorney General's Office for a hearing for Revocation of Licensure for aiding and abetting ULP [O.C.G.A. § 43-1-19(a)(6 - 8)] or a Voluntary Surrender.
MT190120	Refer to the Attorney General's Office for a hearing for Revocation of Licensure for aiding and abetting ULP [O.C.G.A. § 43-1-19(a)(6 - 8)] or a Voluntary Surrender.
MT190121	Refer to the Attorney General's Office for a hearing for Revocation of Licensure for aiding and abetting ULP [O.C.G.A. § 43-1-19(a)(6 - 8)] or a Voluntary Surrender.
MT190133	Schedule an Investigative Interview.
MT190134	Renew the license and close the case.
MT200005	Close the case, no jurisdiction.

Miscellaneous Executive Discussion

1. **MT180157** Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to rescind referral to the Attorney General's Office and close the case. Refer case back to Investigations for further investigation.
2. **MT190075** Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind referral to Attorney General's Office and close the case.

4. **MT200008** Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind previous motion and close the case.

5. **MT190030** Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept surrender of license and close case.

6. MT190093 Request for Information on a Complainant

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to consider release of requested information upon Board receipt of an explanation of the purpose for the request.

7. Cases for Closure Due to Lapsed Licenses

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to close the following cases, no jurisdiction. If attempt to reinstate, must present the application and case files to the Board to review the facts of the underlying case before reinstatement will be considered.

MT150067

MT170008

MT180100

MT190026

MT200015

MT180169

MT180169

MT170016

MT190096

MT190099

MT190045

MT190084

MT180117

MT180105

MT180105

MT160002

MT180091

MT200013

MT190103

MT170089

MT200016

8. Coastal Pines Technical College – Renewal and Audit Application

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to table application pending additional information.

Applications for Board Review

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

Applicant 2818536 Issue license with Letter of Concern regarding false attestation on application for licensure.

Applicant 2813801 Issue license.

Applicant 2808908 Issue license with a Letter of Concern regarding criminal history.

Applicant 2812601 Deny application for licensure based on O.C.G.A. § 43-24A-8(b)(4).

- Applicant 2790747** Issue license with a Letter of Concern regarding criminal history.
- Applicant 2790070** Issue license with a Letter of Concern regarding false attestation on application for licensure.
- Applicant 2808901** Issue license.
- Applicant 2794844** Issue license.
- Applicant 1789377** Approve request for inactive status.
- Applicant 2812405** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure for unlicensed practice November 1, 2018 – May 30, 2019 with a fine of \$500 due within 90 days of order docket date.
- Applicant 2801322** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure for unlicensed practice November 1, 2018 – April 23, 2019 with a fine of \$500 due within 90 days of order docket date.
- Applicant 2808905** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure for unlicensed practice November 1, 2018 – May 28, 2019 with a fine of \$500 due within 90 days of order docket date.
- Applicant 2808157** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure for unlicensed practice November 1, 2018 – March 15, 2019 with a fine of \$500 due within 90 days of order docket date. Request court disposition.
- Applicant 2793222** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure for unlicensed practice November 1, 2018 – January 15, 2019 with a fine of \$200 due within 90 days of order docket date. Request court disposition.
- Applicant 2791216** Refer to Legal Services for a Public Consent Agreement for unlicensed practice from November 1, 2018 – January 15, 2019 with a fine of \$200 due within 90 days of order docket date.
- Applicant 2820157** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure for unlicensed practice November 1, 2018 – June 24, 2019 with a fine of \$500 due within 90 days of order docket date.
- Applicant 2825718** Refer to Legal Services for a Public Consent Agreement for Reinstatement of Licensure for unlicensed practice November 1, 2018 – May 3, 2019 with a fine of \$500 due within 90 days of order docket date.
- Applicant 2794604** Issue license with a Letter of Concern regarding false attestation on application for reinstatement of licensure.

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 2783688** Rescind denial and approve based on school reinstating NCBTMB code.
- Applicant 2802185** 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 2788212** Rescind denial and approve based on school reinstating NCBTMB code.

- Applicant 2762084** Rescind denial and approve based on school reinstating NCBTMB code.
- Applicant 2787082** Rescind denial and approve based on school reinstating NCBTMB code.
- Applicant 2799455** 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 2817045** Schedule Investigative Interview.
- Applicant 2808592** 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 2789629** 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 2786471** Table pending receipt of NCBTMB school code. If provided, reinstate.
- Applicant 2796822** 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 2807898** 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 2801521** 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 2793954** 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)].

Adjournment With no further business to be discussed, the meeting was adjourned at 2:27 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Adrienne Price, Executive Director
Minutes approved on: October 10, 2019

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR