

**GEORGIA BOARD OF MASSAGE THERAPY**  
**Board Meeting Agenda**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**Thursday, October 10, 2019 - 9:00 a.m.**

The Georgia Board of Massage Therapy met on Thursday, October 10, 2019. The following members were present:

**Board Members Present**

Craig Knowles, BAS, LMT, BCTMB, CNMT, Chair  
Pam Nichols, LMT, CNMT, HNC, Vice Chair  
Cindy King, LMT, CMT, NMT, Board Member  
Jane Boyles Curry, Consumer Board Member

**Administrative Staff Present**

Adrienne Price, Executive Director  
Michelle Hornaday, Board Support Specialist

**Attorney General's Office Present**

Melissa Tracy, Assistant Attorney General

**Board Members Absent**

Jennifer Clay, LMT, CNMT, Board Member

**Visitors Present**

Jane Johnson, LMT  
Sharon Remaly, LMT  
Joan Nichols  
Matt Keels, Augusta School of Massage  
Maggie Sharenko, Atlanta School of Massage  
Iliana Bates  
Richard Bates

**Call to Order** Mr. Knowles established that a quorum was present and called the meeting to order at 9:12 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 presented.

**Open Session Minutes**

**1. August 30, 2019 Board Meeting Minutes**

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the August 30, 2019 open session Board meeting minutes as presented.

**2. September 20, 2019 Investigative Committee Meeting Minutes**

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the September 20, 2019 open session investigative committee meeting minutes as presented.

**Board's Chair Report – C. Knowles**

Mr. Knowles provided an update regarding his recent meeting with representatives from the American Reflexology Certification Board (ARCB) and the President of the Georgia Reflexology Organization (GRO) regarding licensing reflexology in the state of Georgia under the umbrella of the Massage Therapy Board for the purpose of title protection and public safety. He stated he will keep the Board updated on the progress of the upcoming meetings.

Mr. Knowles welcomed the new Consumer Board Member, Jane Boyles Curry, and expressed appreciation for the contributions she will make as a member of the Board.

He then revisited the subject of the Board voting to grant permission for the Board Chair to speak with schools and the media on behalf of the Board, as two new Board members have been appointed since the Board's initial vote to grant authority for the Chair to do so.

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant the Board Chair the ability to represent and speak on behalf of the Board about matters that the Board has discussed and voted upon in open session whenever the media and the general public has requested information between meetings.

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion for the Education Cognizant to communicate with massage therapy education programs between Board meetings for the purpose of preventing potential delays in resolving questions and/or concerns regarding pending applications or investigations.

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

**Licenses to Ratify: August 23, 2019 – October 3, 2019**

Ms. Nichols motioned, Mrs. King 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 – Comments & Questions Regarding CE Requirements – Princess Davis-Olmedo, LMT**

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to notify the writer that the Board appreciates the correspondence and that the practice act has addressed the concerns mentioned. Additionally, the Board is in the process of reviewing the amended statute in order to align the rules with the current law.

**Discussion – Federation of State Massage Therapy Boards (FSMTB) – Board Member Representative Report, C. King**

Ms. King presented the Board with a report from the FSMTB Annual Conference held in Atlanta in October 2019. She reported that one of the hottest topic of discussion at the conference was human trafficking and that statistically, the entire nation is suffering from issues related to this epidemic which includes unlicensed practice.

Mrs. King relayed information regarding the discussion on the use of CBD oil and how it affects one's liability insurance. She stated that for some states it is legal for patients to self-apply the oil, but illegal for the therapist to apply it on the patient. The use of CBD oil is only covered by the AMTA and AMB insurance in states where it is legal to obtain and carry CBD oil.

Mr. Knowles was also present at the annual conference as a member of the FSMTB Board of Directors and explained that CBD oil must have the Consumer Healthcare Products Association (CHPA) seal of approval which is indicated by a stamp with the date the product was tested. He added that the use of CBD oil if this seal is not present, is breaking federal law.

Ms. Nichols relayed that in one of the sessions she attended at the Annual Conference it was reported, as of last year, there were no tests to differentiate between hemp and THC. She indicated that 200 CBD oil brands were tested and almost all contained trace levels of THC.

The Board further discussed the therapeutic effects of CBD oil as was reported by Dr. Carlos Giron of the Pain Institute of Georgia, who indicated that of the 700 patients he is monitoring on CBD oil, 90% are off of pain medications. After such discussion, the Board maintains that their official response to queries regarding the use of CBD oil by licensed massage therapists in the state of Georgia, is for licensees to follow federal guidelines.

As part of her report, Mrs. King shared that Mr. Knowles was elected to the position of Vice President for the FSMTB Board of Directors. The Board congratulated Mr. Knowles on his new position.

Mr. Knowles noted another topic of discussion at the annual meeting was test scores and pass rates in relation to the number of total curriculum hours required by a massage therapy educational program. He reported that the programs requiring over 500 hours, tend to be more hands-on, however, additional hours do not necessarily equate to better scores. He indicated that the Entry Level Analysis Project (ELAP) Report revealed that the pass rates for those who graduated from a 500 hour program was 75%, from a 625 hour program was 82%, 700 hour program was 78% and 1000 hour program was 70%.

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to accept the FSMTB Board Representative report as presented.

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

- 1. Notice of Fraudulent CE Certificates**
- 2. 10-01-19 Approved Provider Disciplinary Actions by State**
- 3. 10-01-19 Certificant Disciplinary Actions by State**
- 4. 10-01-19 School Compliance Report**

The Board accepts the correspondence relevant to the October 2019 NCBTMB Approved Provider Disciplinary Actions by State, Certificant Disciplinary Actions by State, as information.

### **Petitions for Rule Waiver**

- 1. Rule Waiver – BR 345-4-.05(2)(c)(ii) – O’Neal, Beamichia MT008384**

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.

- 2. Rule Waiver – BR 345-4-.05(2)(c)(ii) – Jenson, Angela Adams MT010138**

Ms. Nichols motioned, Ms. Curry 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.

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to schedule a Board teleconference for the purpose of reviewing a petition for rule waiver and a petition for variance of a rule on Monday, October 21, 2019 at 8:30 a.m.

### **Education Report – C. Knowles**

- 1. Augusta School of Massage – 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 educational program.

- 2. Albany Therapeutic Massage – Reinstatement Request**

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

- 3. Woodruff Medical Training and Testing – Notice of Closure of Program**

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

### **Discussion – Board Rules Chapter 345**

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to rescind the previous motion to refer the following Board Rules amended during the August 2019 Board meetings to the Attorney General’s Office for a Memorandum of Authority: Board Rule 345-1-.01. Definitions, Board Rule 345-4-.02. Continuing Education Hours, Board Rule 345-4-.03. Approved Continuing Education Providers, Board Rule

345-6-.01. Board Recognition Status Requirements, and Board Rule 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status.

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer the following Board Rules as amended during the today's Board meeting, to the Attorney General's Office for a Memorandum of Authority: Board Rule 345-1-.01. Definitions, Board Rule 345-4-.02. Continuing Education Hours, Board Rule 345-4-.03. Approved Continuing Education Providers, Board Rule 345-6-.01. Board Recognition Status Requirements, and Board Rule 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status. If no objections to the amendments, vote to post.

Ms. Curry motioned, Mrs. 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, 43-50-21, 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 these rules do 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 and will impact every licensee in the same manner as each licensee is independently licensed in the field of Massage Therapy.

The Board indicated that the purpose of Rule Chapter 345-1. Definitions, is to define and elaborate the meaning of words or entities referenced within the statute and rules. The amended language removes information asymmetries for consumers and makes the statute clear to all stakeholders. In consideration of multiple variations, this formulation ensures that each stakeholder understands terms and phrases that are used throughout the statute and rules. The amendments afford no restrictions as it only defines terms. The independent support provided for the amendment is the new statute. There is no economic impact for the amendment.

## **1. Chapter 345-1-.01. Definitions**

### **a) Board Rule 345-1-.01. Definitions**

- (1) "Approved Provider" means a provider of continuing education who has been designated as an "Approved Provider for Continuing Education" by the NCBTMB, or another continuing education ("CE") provider approved by the Board in accordance with board rules.
- (2) "Biennial" or "biennium" means two years from the expiration date of the license.
- (3) "Complimentary Methods" means techniques that may be used in conjunction with massage- therapy.
- (4) "Continuing Education" is any learning activity obtained from a board approved provider on topics related to the scope of practice of massage therapy in the state of Georgia and includes structured touch, pressure, movement, and holding to the soft tissue of the body only. Continuing education may include supervised in-person or distance learning activities.
- (5) "Distance learning activity" is continuing education provided by a board approved provider that is not physically present.
- (6) "FSMTB" means the Federation of State Massage Therapy Boards.
- (7) "Hands-on" means direct application of touch, pressure, movement, and holding to the soft tissue of the body of a person while under the direct supervision of a board approved provider.
- (8) "Hour" means one "clock hour" of education that is no less than fifty (50) minutes of any hour during which a student, applicant or licensee participates in a learning activity in the physical presence of an instructor or in a distance learning activity as designed by a board approved provider.
- (9) "MBLEx" means the national Massage & Bodywork Licensing Examination.
- (10) "NCBTMB" means National Certification Board for Therapeutic Massage & Bodywork.

(11) "NCETM" means National Certification Examination for Therapeutic Massage.

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

(13) "Revocation" means an official cancellation or removal of a license issued by the Board. The practitioner is no longer authorized to practice massage therapy in the state of Georgia. A voluntary surrender of a license shall have the same effect as a revocation.

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

(15) "Voluntary Informed Consent" means that a person has:

(a) The ability and legal authority to make decisions on behalf of oneself or another;

(b) Been informed of the scope of massage therapy, to include therapeutic effects, limitations, risks and contraindications and has expressed an ability to comprehend the information; and,

(c) Verbally or explicitly (in writing), without coercion or duress, exercised his or her right, to accept or deny massage therapy.

## **2. Chapter 345-4. Renewal, Continuing Education, Inactive Status & Reinstatement**

The Board contends that the purpose for the amendments to Board Rule 345-4-.02. Continuing Education Hours and Board Rule 345-4-.03. Approved Continuing Education Providers, as discussed during today's meeting, is the same as was discussed during the August 22, 2019 meeting, which is to develop and enforce standards for continuing education. Proof of continuing education and the need for the Board to promulgate rules regarding continuing education requirements is statutory.

The remainder of this rules chapter also establishes qualifications for the providers of continuing education which is acceptable by the Board and ensures that the providers are qualified to educate licensees about ways to incorporate continuing education into massage therapy practice. By establishing the qualifications of the continuing education providers and the courses within the rules, the rule safeguards each stakeholder by clearly outlining the responsibilities of each stakeholder, both in selecting and teaching courses that are applicable to the scope of massage therapy in the State of Georgia.

The Board considered multiple variations of which these are the least restrictive. The independent support for accepting courses taught by qualified, licensed healthcare providers and instructors is based on NCBTMB, AMTA and the AFMTE (Alliance For Massage Therapy Education) due to their teacher certifications, as well as national standards for other healthcare professions.

The Board noted the potential for a negative economic impact to a provider who may not meet the qualifications to teach; however, the counter to the potential negative economic impact is that there is no shortage of offerings of Board approved continuing education by providers who meet the outlined qualifications.

### **a) Board 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 Chapter 24A of Title 43 of the Official Code of Georgia Annotated shall be required to complete a minimum of twenty-four (24) continuing education (CE) hours, related to the practice of massage therapy, as codified in O.C.G.A. § 43-24A-3(9), except as otherwise provided for in this chapter. The continuing education must be a NCBTMB approved course obtained from a NCBTMB approved provider.

(a) Only continuing education hours obtained after the issuance of a license may be submitted to meet the requirements for license renewal.

- (b) Twelve (12) of the total twenty-four (24) CE Hours must include direct, hands-on supervised instruction; and,
- (c) The remaining twelve (12) CE Hours may include direct hands-on supervised instruction, other massage therapy related CE hours or complimentary methods that do not touch the body.
- (d) CE Hours for renewal must be obtained during the biennium, beginning November 1<sup>st</sup> through October 31<sup>st</sup>.
- (e) 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 continuing education coursework from Continuing Education Providers who:

  - (a) Have a current, unencumbered National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) Continuing Education Provider Number;
  - (b) Held an unencumbered license(s) to practice as a massage therapist or other healthcare professional at the time the course was offered.
  - (c) Has not had any disciplinary actions taken against their license(s) by any board;
  - (d) Offers continuing education courses which meet the requirements established by the board.
- (3) 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. 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. Lectures and Multi-Media Courses: For lectures, a certificate of completion, or similar documentation, including a massage therapist license number and the approved provider's number, signed or verified 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 courses.

3. Correspondence Courses: A certificate of completion or similar documentation, including a massage therapist license number and the approved provider's number signed or verified by a program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule.
4. Formal self-study, viewing of video in a professional setting, satellite broadcasts, or computer learning activities. Documentation must include:
  - (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 the license was issued within the first year of the biennium, the licensee is required to complete 24 hours of continuing education as defined in paragraph one (1) subparagraphs (a) through (e) of this rule in order to renew the license.
- (6) If the license was issued within the second year of the biennium, the licensee is required to complete 12 hours of continuing education to renew the license.
  - (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 approved massage therapy activities compliant with paragraph (1) of this rule.

**b) Board Rule 345-4-.03. Approved Continuing Education Providers**

- (1) The Board only accepts coursework from Continuing Education Providers who:
  - (a) Had a current, unencumbered National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) Continuing Education Provider Number at the time that the course was provided. Continuing Education Providers recognized by the NCBTMB may be located by contacting the NCBTMB directly or by searching their website, [www.ncbtmb.org](http://www.ncbtmb.org);
  - (b) Holds an unencumbered license(s) to practice as a massage therapist or other healthcare professional at the time the course is to be offered;
  - (c) Have not had any disciplinary actions taken against their license by any Board;
  - (d) Offers continuing education courses that are related to the scope of practice of massage therapy as defined in O.C.G.A. § 43-24A-3(9) which may include structured touch, pressure, movement and complimentary methods;
    - (i) Courses that only contain modalities that touch the body will be considered hands-on hours;
    - (ii) Courses that contain modalities that do not touch the body will only count towards non hands-on hours.
- (2) In order for the Board to accept documentation of continuing education from a NCBTMB Approved Continuing Education Provider, the following requirements must be met:

- (a) The name/title of the course listed on the certificate of completion must be present on the list of courses that NCBTMB has authorized that CE Provider to teach under the associated approved provider number.
  - (b) On the date of completion for each course, the provider must provide a certificate of completion to each student/attendee who successfully completed all of the course requirements.
  - (c) The provider must record course credit information on CE broker within seven (7) days of completion of the course for all class attendees which hold a Georgia license.
  - (d) The provider must have entered information relevant to the program or course to include but not limited to a description, program objective/learning outcomes, content description, and agenda or schedule into CE Broker.
- (3) In addition to the above requirements, all CE certificates of completion must include the following information:
- (a) The name of the attendee and their license number;
  - (b) The complete name/title of the course;
  - (c) The date(s) the attendee took and completed the course;
  - (d) The number of continuing education hours awarded for the course;
  - (e) The printed name and signature of the instructor for the course;
  - (f) The NCBTMB Approved Provider Name, Provider Number and expiration date;
  - (g) The location or site of the course, i.e. Home Study, Self-Study, Internet, Webinar, WebEx, or the physical address where the live course was taught; and,
  - (h) If the course is being submitted to meet the direct hands-on supervised instruction requirement, the certificate must denote that it is a hands-on course. In order for the course to receive hands-on credit, 70% of the course must include direct application of touch, pressure, movement, and holding to the soft tissue of the body.
- (4) Providers who fail to report the CEs in accordance with this rule will be removed from the list of approved NCBTMB providers for this state and reported to NCBTMB for noncompliance.
- (5) A licensee may not claim any CE hours which do not match corresponding course credit information recorded in CE Broker.

### **3. Chapter 345-6. Standards for Massage Therapy Educational Programs**

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

The Board entered into a discussion regarding the purpose of amending Board Rule 345-6-.01. Board Recognition Status Requirements further, and agreed with the Board's original rationale for the proposed changes along with the refinements presented today, remain the same. The amendments clarify the requirements in the statute and carry out its policy objectives. The Board stated that the amended rule 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 Board Rule 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 and 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 lead to an increase in the number of admissions to the programs.

### **Board Rule 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. Document that they have confirmed proof of citizenship status or permanent residency in 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-.05. Renewal, Withdrawal and Reinstatement of Recognition Status**

The Board entered into a discussion regarding the purpose of amending Board Rule 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status, and cited that with the amendments made today, the rule 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.

#### **Board Rule 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 31<sup>st</sup> 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 a seventy (70) percent annual pass rate on the MBLEx, an equivalent test approved by the board, or an examination administered by another state, territory, or jurisdiction whose license requirements meet or exceed those of this state. Pass rates will be calculated by the total number of exams passed divided into the total number of first-time test takers.

(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.

**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.

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

**Miscellaneous Discussion – Open Records Request – Proposed Rule Amendments – George Ray, Esq., Nelson Mullins**

The Board accepts the correspondence relevant to the Open Records Request on the proposed rule amendments, as information as the appropriate response was generated by the Legal Services Section of the Professional Licensing Boards Division of the Georgia Office of Secretary of State.

**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, Cindy King and Jane Curry.**

**At the conclusion of Executive Session on Thursday, October 10, 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.**

**145 OPEN SESSION**

**Executive Session Minutes**

**1. August 30, 2019 Executive Board Meeting Minutes**

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the August 30, 2019 executive session Board meeting minutes as presented.

**2. September 20, 2019 Investigative Committee Executive Meeting Minutes**

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the September 20, 2019 executive session investigative committee meeting minutes as presented.

**Attorney General’s Report – M. Tracy**

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

**Legal Services Memo – Case for Closure – MT200003**

Ms. Curry motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and deny licensure based on false attestation regarding criminal history on application.

**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.

**MT190133** Request respondent to provide proof of Continuing Education for the 2016 and 2018 renewal cycles and present to Cognizant for review.

- MT170059** Refer to the Attorney General’s Office of a Hearing or Private Consent Order to include two (2) years’ probation and at least six (6) additional in-person Continuing Education hours in Ethics to include communications, boundaries, and draping. The course must be pre-approved by the committee.
- MT180105** Close case no jurisdiction. Refer the matter for criminal prosecution by Spalding County GA. If the Respondents attempt to reinstate the board will review the facts of the case before reinstatement will be considered.
- MT180123** Close the case.
- MT190093** Refer to Attorney General’s office for a hearing for Cease and Desist Order for S.G for ULP and on X. Y. aiding and abetting. Refer for criminal prosecution by the local jurisdiction which is Fulton County.
- MT190103** Close case with a Letter of Concern regarding failing to display a massage therapist's license certificate issued by the Board, or a photocopy thereof, in an appropriate and public manner [BR345-6-.01(2)(d)]
- MT190122** Close the case with a letter of concern regarding documentation of informed consent to the owner [BR 345-6-.01(1)(e)].
- MT200009** Close the case no jurisdiction. Refer to Fulton County to seek prosecution for operating a business without a license.
- MT200018** Table pending outcome of the criminal case.
- MT200023** Send a letter to the business informing them of their advertising violations and request that it be corrected within thirty business days [O.C.G.A. § 43-24A-15(a-c)].
- MT110073 / MT180090 / MT180126** Refer to Attorney General’s Office for a hearing or Public Consent Order with a Public Reprimand to include probation for a minimum of four (4) years, twelve (12) hours of Continuing Education in roles and boundaries, ethics and business practices within 90 days and a fine of \$1000 for aiding and abetting unlicensed practice plus administrative costs which must be paid in full prior to October 31, 2020.

**Miscellaneous Executive Discussion**

**1. Cases for Closure Due to Lapsed/Inactive/Withdrawn Statuses/No Jurisdiction**

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to close the following cases for licenses which are lapsed, inactive, withdrawn and/or 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.

- MT170094**  
**MT170008**  
**MT160002**  
**MT180105**  
**MT180105**  
**MT180100**  
**MT170089**  
**MT170016**  
**MT150067**  
**MT180117**  
**MT190103**

MT190026  
MT200002  
MT200016  
MT180169  
MT200013  
MT190099  
MT190084  
MT180105  
MT180105  
MT180100  
MT200008  
MT190079

2. **MT190001** Ms. Curry motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to close the case and renew the license.
3. **MT180154** Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to submit a counter offer to the Respondent's proposed settlement, as discussed in Executive Session.
4. **MT180143** Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to accept order as received and close case.
5. **MT170094** Ms. Curry motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to resend previous motion and refer Respondents to the Attorney General's Office for a hearing or Public Consent Order with a Public Reprimand with terms and conditions as discussed in Executive Session.
6. **MT190059** Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to rescind previous motion, close the case and issue the license with a Letter of Concern regarding criminal history.
7. **MT170072** Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to close the case with a Letter of Concern regarding compliance with the Board order.

**Applications**

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 2785103** Deny licensure based on criminal history and action in another jurisdiction.
- Applicant 2802230** Refer to Legal Services for a Public Consent Agreement for Licensure with a fine of \$500 for false attestation on application for licensure regarding criminal history. Fine must be paid in full within 90 days of order docket date.
- Applicant 2808157** Reinstate license.
- Applicant 1277119** Accept CE for the 2016-2018 renewal and issue the license with Letter of Concern regarding CE compliance. CE submitted in February 2019 and prior may not be used to meet CE requirements for the renewal of license. Must complete 24 hours of CE which meets requirements.
- Applicant 2812601** Uphold previous motion to deny.

- Applicant 2786122** Rescind previous motion to deny petition for rule waiver and issue the license if all requirements are met.
- Applicant 2786471** Accept transcript and issue license.
- Applicant 2699220** Grant extension request to on or before February 7, 2020. If required documentation is not received by date specified, no further extensions will be granted and applicant must reapply.
- Applicant 2798562** 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 2814548** 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** Table pending additional information.

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General’s Office for a Memorandum of Advice regarding whether or not the Board has the authority to release transcripts and educational materials submitted as a part of an application to a 3rd party at the request of the applicant who is the subject of the documentation.

**Adjournment** With no further business to be discussed, the meeting was adjourned at 1:54 p.m.

**Minutes recorded by:** Michelle Hornaday, Board Support Specialist  
**Minutes reviewed and edited by:** Adrienne Price, Executive Director  
**Minutes approved on:** October 21, 2019

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

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