

GEORGIA BOARD OF MASSAGE THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Thursday, February 20, 2020 - 9:00 a.m.

The Georgia Board of Massage Therapy met on Thursday, February 20, 2020. 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
Charlotte Mason, Licensing Supervisor

Board Members Absent

No members absent.

Attorney General's Office Present

Melissa Tracy, Assistant Attorney General
Kirsten Daughdril, Senior Assistant Attorney General

Visitors Present

No visitors present.

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 9:02 a.m.

OPEN SESSION

Agenda

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

Open Session Minutes

1. February 4, 2020 Board Teleconference Minutes

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to approve the February 4, 2020 open session Board teleconference minutes as presented.

Licenses to Ratify: December 6, 2019 – February 13, 2020

Ms. Curry 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 – New Reports from Georgia Department of Public Health Drug Surveillance Unit (DSU)

The Board accepts the correspondence in reference to Reports from Georgia Department of Public Health Drug Surveillance Unit (DSU) as information.

Petitions for Rule Variance

1. Rule Variance - BR 345-4-.02 - Gordon, Qiana Lucille

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

2. Rule Variance – BR 345-4-.05(2)(c)(ii) – Rabusin, Tiana

Ms. Curry motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 345-4-.05(2)(c)(ii) based on insufficient evidence to substantiate a substantial hardship. Notify applicant that the Board can submit a written authorization to the Federation which will grant her the opportunity to retake the exam. Staff to send letter if applicant requests this option.

Education Report – C. Knowles

- 1. Faculty Amendment Request – Georgia Massage School**
- 2. Notice of Change of Ownership – Georgia Massage School**

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

3. Renewal & Audit Applications

- a) Coastal Pines Technical College – Response to Board Request for Information

Ms. Nichols 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.

- b) Georgia Career Institute

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

- c) Atlanta School of Massage

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

4. Notice of Intent – A Gathering Place Wellness Education Center, LLC - Notice of Intent Not to Renew in 2021

Mrs. King motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to accept the notice of intent not to renew the recognition status of the massage therapy educational program in 2021.

Election for Investigative Committee Member

Ms. Curry motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to elect Ms. Nichols as an Investigative Committee Member.

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 active licensees, and complaints/compliance matters. In addition, the report addressed the following topics with the Board:

- Georgia General Assembly Proposed Legislation
- Annual Ethics Commission Affidavit of Public Officer Filings
- Mandatory Language Change on Board Websites

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.

Board’s Chair Report – C. Knowles

Mr. Knowles presented an update of his efforts to collaborate with legal authorities and state and government officials, as authorized by the Board, on measures to combat human trafficking in the state of Georgia. He informed the Board that a video has been created to raise awareness about human trafficking and it is available to the public. He recommended that all Board members view the Human Trafficking Awareness Training video on the Georgia Department of Administrative Services website.

Mr. Knowles reported that he continues to work on the Human Trafficking Training Consortium that is to be held at the Professional Licensing Boards Division in Macon, Georgia on April 23, 2020.

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to allow staff to submit written notification to FSMTB authorizing applicants to sit for the MBLEx in cases when the applicant is required to retake the examination, the Board has previously issued a license to the applicant, and the applicant's school and the Department of Education (DOE) are not able to supply a transcript to FSMTB.

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

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, Cindy King and Jane Curry.

At the conclusion of Executive Session on Thursday, February 20, 2020, 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

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

11:00 a.m. Personal Appearance Applicant 2807898

The applicant must cause the school to submit proof that the massage therapy educational program met the requirements of O.C.G.A. § 43-24A-3 (4)(c). If able to obtain, applicant may submit a petition for rule waiver or variance to substantiate a hardship regarding additional rule requirements.

11:30 a.m. Personal Appearance Applicant 2480098

The applicant must cause the school to submit proof that the massage therapy educational program met the requirements of O.C.G.A. § 43-24A-3 (4)(c). If able to obtain, applicant may submit a petition for rule waiver or variance to substantiate a hardship regarding additional rule requirements.

Executive Session Minutes

1. February 4, 2020 Executive Board Teleconference Minutes

Mrs. King motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to approve the February 4, 2020 executive session Board teleconference minutes as presented.

Attorney General's Report – M. Tracy

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

Discussion – Board Rules

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to refer, Rule 345-1-.01. Definitions, Rule 345-4-.02. Continuing Education Hours, Rule 345-4-.03. Approved Continuing Education Providers, Rule 345-5-.01. Professional and Unprofessional Conduct, Rule 345-5-.02. Professional Standards, Rule 345-5-.03. Unprofessional Conduct, Rule 345-5-.04. Unlicensed Practice, Rule 345-6-.02. Curriculum Requirements, and Rule 345-7-.03 Advertising back to the Rules Committee for further review.

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to post Rule 345-2-.03. Fees, Rule 345-3-.02. Provisional Permit Application and Requirements, Rule 345-4-.04. Inactive Status, Rule 345-4-.05. Reinstatement of a License, Rule 345-6-.01. Board Recognition Status Requirements, Rule 345-6-.04. Reconstitution or Discontinuation of a Massage Therapy Educational Program, Rule 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status, and Rule 345-7-.01. General Provisions as amended, per executive session discussion using the alternative language that has been previously authorized, for a Public Rules Hearing.

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to post Rule 345-2-.01: Officers, Rule 345-2-.02: Rules and Regulations, Rule 345-3-.01: Application for Licensure, Rule 345-3-.04: Endorsement for Military Spouses, Service Members and Transitioning Service Members, Rule 345-6-.02: Curriculum Requirements, Rule 345-6-.03: Faculty Requirements, and Rule 345-7-.02: Display of License for a Public Rules Hearing.

Ms. Nichols motioned, Mrs. Curry seconded and the Board voted unanimously in favor of the motion to release the Memorandum of Authority on Rule 345-4-.03. Fees, Rule 345-3-.02. Provisional Permit Application and Requirements, Rule 345-4-.04. Inactive Status, Rule 345-4-.05. Reinstatement of a License, Rule 345-6-.01. Board Recognition Status Requirements, Rule 345-6-.04. Reconstitution or Discontinuation of a Massage Therapy Educational Program, Rule 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status, Rule 345-7-.01. General Provisions, Rule 345-2-.01: Officers, Rule 345-2-.02: Rules and Regulations, Rule 345-3-.01: Application for Licensure, Rule 345-3-.04: Endorsement for Military Spouses, Service Members and Transitioning Service Members, Rule 345-6-.02: Curriculum Requirements, Rule 345-6-.03: Faculty Requirements, and Rule 345-7-.02: Display of License, and the Board Policy Manual as amended today, per executive session discussion to use the alternative language that has been previously authorized to the Governor's Office for final review.

Legal Services Memo

1. Administrative Licensing Policy

Mrs. King motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to thank Legal Services for the recommendation, however the policy is not consistent with requirements of law and as a result, the Board may not adopt.

2. Case for Ratification – MT200098

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

Miscellaneous Executive Discussion

1. FSMTB Invalidated MBLEx Scores

The Board accepts the correspondence in reference to FSMTB Invalidated MBLEx Scores as information.

2. Cohutta Healing Arts Institute – School Transcript Question

Mrs. King motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to notify massage therapy educational program that for the purposes of licensure, school transcripts must be updated reflect that they are “official” instead of indicating that it is a “student” transcript.

3. MT200066

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to notify the Respondent that Board has voted to table a decision regarding the Consent Agreement received pending the outcome of the current investigation. Respondent may withdraw the application for licensure in which case only the fine amount remitted will be refunded.

4. MT Insurance Policies That List Organizations as the Insured

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to request a copy of the entire insurance policy and upon receipt refer it to the Attorney General’s Office for a Memorandum of Advice regarding whether the policy meets statutory requirements.

5. Release of Test – Alfred Dingler, Financial Planner

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion for staff to forward the correspondence to the Federation of State Massage Therapy Boards (FSMTB).

Applications for Board Review

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

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|--------------------------|--|
| Applicant 2849993 | Deny based on failure to meet minimum qualifications for licensure [O.C.G.A. § 43-1-19(a)(1)]. |
| Applicant 2699220 | Issue license. |
| Applicant 2850076 | Issue license. |
| Applicant 2824346 | Refer to Legal Services for Private Consent Agreement with a fine of \$500 for false attestation. |
| Applicant 1223816 | Grant request for Inactive Status. |
| Applicant 2746256 | Grant request for Inactive Status. |
| Applicant 2675027 | Grant request for Inactive Status. |
| Applicant 2457543 | Grant request for Inactive Status. |
| Applicant 2846738 | Deny based on denial of application for licensure [O.C.G.A. § 43-24A-9(a)(3)]. |
| Applicant 2839062 | Issue license with a Letter of Concern regarding non-disclosure on application for reinstatement. |
| Applicant 2783157 | Send notification to the Federation of State Massage Therapy Boards to allow applicant to take exam and notify the applicant of the process. Deadline to submit to the Board proof of passing exam is May 20, 2020 at which time application will be denied based on failure to meet minimum qualifications for licensure. |

- Applicant 2851953** 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 2805699** 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 2851086** 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 2837115** Issue license.
- Applicant 2837121** Issue license.
- Applicant 2848799** 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 2839144** 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 2838068** 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 2846047** 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 2833932** 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 2814858** 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 2839611** 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 4:38 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Charlotte Mason, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: March 20, 2020

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR