

GEORGIA BOARD OF MASSAGE THERAPY
Board Zoom Meeting Minutes
Friday, April 9, 2021 - 9:00 a.m.

The Georgia Board of Massage Therapy met via Zoom meeting on Friday, April 9, 2021. The following members were present:

Board Members Present

Craig Knowles, BAS, LMT, BCTMB, CNMT, Chair
Pam Nichols, LMT, CNMT, HNC, Vice Chair
Jayne Boyles Curry, Consumer Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Charlotte Mason, Licensing Supervisor
Michelle Hornaday, Board Support Specialist
Meagan Doss, Complaints/Compliance Analyst

Board Members Absent

No members absent.

Attorney General's Office Present

Reagan Dean, Senior Assistant Attorney General
Caroline Lugo, Assistant Attorney General

Visitors Present

Sharon Remaly, LMT, AMTA-GA Government Relations Chair
Jane Johnson, LMT
Charlene Ramos, LMT, Atlanta School of Massage
Alfred Dingler
Alyssa Lucas
Stefon Williams
Jackie P
Laura Embleton, Government Relations Director, Associated Bodywork and Massage Professionals (ABMP)
Matt Mazurek
Danielle Pates
Shawnqna Chinn
Julia Kane

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

Open Session Minutes

1. March 12, 2021 Open Session Investigative Committee Zoom Meeting Minutes

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the March 12, 2021 open session investigative committee zoom meeting minutes as presented.

2. March 23, 2021 Open Session Zoom Meeting Minutes

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to approve the March 23, 2021 open session zoom meeting minutes as presented.

Licenses to Ratify: February 12, 2021 – April 2, 2021

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.

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

1. **03-01-21 Approved Provider Disciplinary Actions by State**
2. **03-01-21 Certificant Disciplinary Actions by State**
3. **03-01-21 School Compliance Report4**
4. **04-01-21 Approved Provider Disciplinary Actions by State**
5. **04-01-21 Certificant Disciplinary Actions by State**
6. **04-01-21 School Compliance Report**

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion that no CE programs will be accepted from NCBTMB previously approved provider, Haixing Jin, as of February 15, 2021, due to sanctions from the April 1, 2021 NCBTMB Approved Provider Disciplinary Actions by State.

The Board accepts the correspondence in reference to NCBTMB as information.

Petition for Rule Waiver – BR 345-8-.03(3)6 Stefon Williams

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-8-.03(3)(6) based on sufficient evidence to substantiate a substantial hardship. O.C.G.A. § 43-24A8(b)(6) is an operation of law and cannot be waived.

Petition for Rule Variance – BR 345-4-.05 Emmie Bechom

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 345-4-.05 based on insufficient evidence to substantiate a substantial hardship.

Education Report – C. Knowles – Program Renewal - Atlanta University of Health Sciences RMP-000005

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to approve the renewal of licensure and recognition status for the massage therapy educational 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, to include massage therapy programs, board meeting statistics, renewal statistics and complaints/compliance matters. In addition, the report addressed the following topic of interest with the Board:

- License Print Capabilities for Schools
- Board Member Vacancies
- Georgia General Assembly

Ms. Nichols 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 addressed the Board on several topics of interest. He notified the Board that he had been contacted by several national newspapers regarding the recent tragedy in Atlanta and all news sources were surprised to learn that the Board has no regulatory authority over businesses. He clarified that the Georgia Board of Massage Therapy regulates licensed massage therapists only and that businesses are under city and county jurisdictions. He then briefly explained the complaint process with the reporters.

Mr. Knowles asked for a Board Member volunteer to be the appointed delegate for the annual FSMTB meeting in October. Ms. Nichols motioned, Mr. Knowles seconded and the Board voted unanimously in favor of the motion to appoint Jane Curry as the Board’s Delegate. Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion for Mr. Knowles to notify FSMTB that Ms. Curry will attend in person.

Mr. Knowles reminded the Board that members will need to present any recommended law changes or resolutions by June for submission to FSMTB for consideration.

Mr. Knowles addressed the Board regarding the release of investigative files to lawful agencies and law enforcement agencies. Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer the request to release these files to the legal authorities prior to full Board review to the Attorney General's Office for a Memorandum of Advice to include that the initial records request will be vetted by the Executive Director.

Mr. Knowles expressed the need to send a reminder to massage therapy education programs who are implementing online programs to stay abreast of the Governor's Emergency Orders. Ms. Nichols motioned, Mr. Knowles seconded and the Board voted unanimously in favor of the motion to notify the schools that when the public health state of emergency has ended, their programs must resume in person training.

He then shared with the Board his desire to draft a letter on behalf of the Investigative Division to request additional funding for Investigators to utilize during the course of investigations. His attempt is to show fiscal responsibility with state funds as he has been provided information through the Investigative Committee and through conversations with that department that much time is wasted trying to reach Respondents outside of scheduling appointments. Mr. Knowles is requesting that the Investigative Division provide proof of these multiple visits and the cost of such to submit with the request.

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion for Mr. Knowles to draft this correspondence.

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

Discussion – Board Rules

The Board tabled discussion for Executive Session.

1. **345-1-.01. Definitions**
2. **345-4-.02. Continuing Education Hours**
3. **345-4-.03. Approved Continuing Education Providers**
4. **345-5-.01. Professional Standards**
5. **345-5-.02. Unprofessional Conduct**
6. **345-5-.03. Scope of Practice of Massage Therapy Students**
7. **345-5-.04. Unlicensed Practice**
8. **345-6-.01. Board Recognition Status Requirements**
9. **345-6-.02. Curriculum Requirements**
10. **345-6-.04. Reconstitution or Discontinuation of a Massage Therapy Educational Program**
11. **345-7-.03. Advertising**

Ms. Curry 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 Jane Curry.

At the conclusion of Executive Session on Friday, April 9, 2021, 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

Caroline Lugo joined the meeting at 10:04 a.m.

Attorney General's Report – R. Dean

1. AG MEMO – MT180134

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to amend the Consent Order to allow for a payment plan of the fine which includes a \$200 payment due within 10 business days of notification and the balance of \$100/month due over next three months.

Caroline Lugo left the meeting at 10:15 a.m.

Ms. Curry motioned, Ms. Nichols 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, Ms. Curry seconded and the Board voted unanimously in favor of the motion to refer the following rules to the Attorney General's Office for a Memorandum of Authority and if no objections, vote to post.

1. BR 345-1-.01. Definitions

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 the two (2) year period in which a license is valid.
- (3) "Complementary 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. 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 instruction" means that a board approved provider directly supervises a student while the student is engaged in the direct application of touch, pressure, movement, and holding to the soft tissue of the body of a person..
- (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) "Massage therapy client" means an person who compensates a licensee for massage therapy services. The client-therapist relationship ends 6 months after the last date of service rendered. The term "client" in this definition is synonymous to the term "patient."
- (10) "MBLEx" means the national Massage & Bodywork Licensing Examination.
- (11) "Licensed healthcare professional" means a person licensed, registered, or certified under Title 43, Chapter 24A and O.C.G.A. § 43-1-33(3) while engaged in the professional or trade practices properly conducted under authority of such other licensing laws, provided that such person shall not use the title of massage therapist.

- (12) "NCBTMB" means National Certification Board for Therapeutic Massage & Bodywork.
- (13) "NCETM" means National Certification Examination for Therapeutic Massage.
- (14) "NCETMB Examination" means National Certification Exam for Therapeutic Massage & Bodywork.
- (15) "Sexual activity" means any verbal and/or nonverbal behavior for the purpose of soliciting, receiving or giving sexual gratification. Sexual activity may include, but is not limited to inappropriate:
- (a) Touch, hugs or body language;
 - (b) Verbal dialogue about sexual preferences, fantasies, or jokes;
 - (c) Verbal or physical flirtatious behavior;
 - (d) Seductive or sexually demeaning gestures; or,
 - (e) Failure to ensure client's privacy in disrobing or dressing, filming the client without his or her permission;
- (16) "Sexual Misconduct" is unethical and illegal behavior involving sexualizing of, or engagement in, sexualized contact with a client/student/mentee/employee/trainee during or after the professional relationship has ended. This is especially critical due to the power differential in which care providers may use or exploit the trust or influence derived from the professional relationship. Sexual misconduct includes a wide range of sexual activity. The behavior does not have to be coercive to be inappropriate.
- (17) "Supervision" means a qualified massage therapist supervisor is physically on-site and immediately available.
- (18) "Therapeutic Relationship" is the ongoing relationship between a therapist and a client established to support the client's therapeutic goals. Characteristics of a healthy therapeutic relationship include personal awareness and insight, trust, respect, safety, authenticity, acceptance, empathy, collaborative agreement and the maintenance of personal and professional boundaries.
- (19) "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. BR 345-4-.02. Continuing Education Hours

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 course must be provided by an individual who is either approved by NCBTMB, or another continuing education approval agency with standards that are equivalent to NCBTMB, or another state licensing board.
- (a) Only continuing education hours obtained after the issuance of a license may be submitted to meet the requirements for license renewal.

- (b) Of the twenty-four (24) hours of CE required each biennium, twelve (12) of those hours must be derived from courses in which the provider offers hands-on, supervised instruction in the direct application of touch, pressure, movement, and holding to the soft tissue of the body of a person. The remaining twelve (12) hours may also be derived from courses that offer this hands-on supervised instruction or may be from other courses instructing on topics within the scope of massage therapy, practice, to include complementary methods, or any of the modalities listed in O.C.G.A. § 43-24A-19(a)(5 – 8).
- (c) CE hours for renewal must be obtained during the two-year period immediately preceding the license expiration date.
- (d) In order to qualify as “hands-on, supervised instruction” at least seventy percent (70%) of the time spent in the course must consist of hands-on experience or demonstration.
- (e) Hours taken to meet the conditions of a board order may not be used to satisfy continuing education requirements for license renewal.
- (f) Continuing education providers shall not submit continuing education activities and certificates for any of the courses he or she teaches to meet continuing education requirements for license renewal.
- (2) Licensees must maintain documentation of completion of the continuing education activities as required in 345-4-.02 for no less than four (4) years from the date of licensure renewal. Licensees shall be required to produce documentation of the completion of the continuing education activities for renewal of the license if audited during the renewal process and during any investigation. Failure to provide documentation shall be grounds for the denial of the renewal application or revocation or immediate suspension of the licensure. In order to assist licensees in the maintenance of these records, the Board has adopted CE Broker, Incorporated to serve as the online reporting and recording system for licensees.

 - (a) Licensees and applicants shall incur no costs from CE Broker, Incorporated for use of basic reporting and recording services.
 - (b) Every licensee or applicant subject to the rules of the Board shall be deemed to have given consent to the Board and its representatives to access their continuing education records retained within the online database for the purposes of auditing and verifying completion of the Board's continuing education requirements. Such licensee or applicant waives any objections to the admissibility of the record and/or any continuing education documentation introduced in any proceeding or hearing before the Board.
 - (c) 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, if applicable, or official seal of approval, 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, if applicable, or official seal of approval, 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, if applicable, or official seal of approval, 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) 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.
- (5) 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.

3. BR 345-4-.03. Approved Continuing Education Providers

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, was approved by another continuing education approval agency with standards equivalent to NCBTMB, or was approved by a state licensing board at the time that the course was provided.
 - (b) Holds an unencumbered license(s) to practice as a massage therapist or other healthcare professional at the time that the course is to be offered;
 - (c) 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, 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 as proof of having satisfied the continuing education requirements, the following information must be present:
 - (a) The name/title of the course listed on the certificate of completion must be present on the list of courses that CE Provider is authorized to teach.

- (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.
- (3) On the date of completion for each continuing education course, the provider must provide a certificate of completion. Certificates of completion must include the following:
 - (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 Approved Provider's Name;
 - (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. BR 345-4-.05. Reinstatement of a License

Rule 345-4-.05. Reinstatement of a License

- (1) An applicant who was issued a license under the grandfather provision referenced in O.C.G.A. § 43-24A-19(a)(9) may not reinstate the license unless the applicant meets the current requirements for licensure.
- (2) Reinstatement of a revoked or lapsed license that was not issued under the grandfather provision referenced in O.C.G.A. § 43-24A-19(a)(9) is within the discretion of the Board.
- (3) An applicant for reinstatement of a revoked or lapsed license must submit a completed application provided by the board, payment of the required fee and evidence satisfactory to the Board that the applicant:
 - (a) Is a citizen or permanent resident of the United States or can demonstrate lawful presence in the United States; and,
 - (b) Has provided evidence of current liability insurance coverage as required in Code Section 43-24A-8.
 - (c) Has a satisfactory result from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. The applicant shall be responsible for all fees associated with the performance of such background check (see the Fingerprint COGENT-GAPS Instructions on the Board website under the Application Downloads link).
 - (d) If the license has been revoked or lapsed for:
 - 1. Less than five (5) years, the applicant must meet the requirements of Rule 345-3-.02 and submit evidence of completion of twenty-four (24) hours of board approved continuing education, in accordance with Board Rule 345-4-.02, obtained within one (1) year of the date of the reinstatement application was received by the board, or thereafter; or,
 - 2. Five (5) years or more, the applicant must meet the requirements of Rule 345-3-.02; and,

- (i) Submit evidence of completion of twenty-four (24) hours of Board approved continuing education, in accordance with Board Rule 345-4-.02, which was obtained within one (1) year of the date of the reinstatement application was received by the board, or thereafter; and,
- (ii) Verification of having passed the MBLEx or other board approved exam within twelve (12) months of the date the reinstatement application is received by the board, or thereafter.
- (4) The continuing education hours used for the reinstatement of a license cannot be used to meet the continuing education hours required for the biennium during which the license was reinstated.
- (5) The Board may impose any limits, sanctions, restrictions or other disciplinary actions as a condition of reinstatement it deems necessary.
- (6) The Board may require additional verification of any requirements or credentials as the Board may deem necessary to include but not limited to applicants for reinstatement meeting all requirements outlined O.C.G.A. 43-24A-8.

5. BR 345-4-.04. Inactive Status

Rule 345-4-.04. Inactive Status

- (1) Prior to the license expiration date licensees may request by application that their active license to practice as a massage therapist in Georgia be placed on inactive status. There is no fee to apply for inactive status. Applications for Inactive Status will not be considered if the license is no longer in an active status and the application is date stamped in the Board office on or after November 1st of every even numbered year.
- (2) An individual whose license status is inactive shall not practice as a massage therapist within the state of Georgia.
- (3) A person whose license is under any investigation, is the subject of active disciplinary proceedings or has a sanction in effect is not eligible to submit an application for an inactive status.
- (4) Licensees who wish to reactivate their massage therapy license shall submit a complete application for reactivation of licensure to the Board.
- (5) If a license has been inactive in Georgia:
 - (a) For less than five (5) years the licensee must:
 - 1. Meet the requirements for renewal of licensure pursuant to Rule 345-4-.01, excluding the late renewal penalty fee; and,
 - 2. Obtain all required CE hours within one year prior to the date the board received the Reactivation Application, or thereafter; or,
 - (b) The licensee is the holder of a current massage therapy license(s), in good standing, in another state, jurisdiction or territory; and,
 - 1. The licensee held and maintained said license(s) in an active status before the submission of an inactive status application; and,
 - 2. The requirements for licensure in the other state, jurisdiction or territory are greater than or equal to the requirements in Georgia, the licensee must:
 - (i) Meet the requirements for renewal of licensure pursuant to Rule 345-4-.01, excluding the late renewal penalty fee; and,

(ii) Obtain all required CE hours within one year prior to the date the board received the Reactivation Application, or thereafter.

(6) If a license has been inactive in Georgia for a period of five (5) years or more, the licensee must meet the requirements for reinstatement pursuant to Rule 345-4-.05(3)(d)(2)(ii) and (4 through 6).

6. BR 345-5-.01. Professional Standards

345-5-.01. Professional Standards

(1) General Guidelines or Standards: The licensed Georgia Massage Therapist shall:

(c) Provide a treatment environment that meets all legal requirements for health and safety;

(d) Use standard precautions to insure professional hygienic practices and maintain a level of personal hygiene appropriate for practitioners in the therapeutic setting;

(f) Obtain voluntary and informed consent from the client prior to initiating the session;

(g) Conduct an accurate needs assessment, develop a plan of care with the client, and update the plan as needed;

(h) Use appropriate draping while providing massage therapy;

(i) Be knowledgeable of the minimum standard of practice of massage therapy;

(m) List the massage therapy license number on all business cards, brochures, advertisements.

(2) Legal and Ethical Requirements: The licensee must comply with all the legal requirements in applicable jurisdictions regulating the profession of therapeutic massage and bodywork to include but not limited to:

(a) Obeying all local, state, and federal laws;

(e) Maintaining accurate and truthful records;

(f) Reporting to the Georgia Board of Massage Therapy any felony conviction of, or plea of guilty, nolo contendere, or no contest to, a crime in any jurisdiction (other than a minor traffic offense) by himself or herself;

(3) Confidentiality: The licensee shall respect the confidentiality of client information and safeguard all records by:

(a) Protecting the confidentiality of the client's identity and information in all conversations, advertisements, and any and all other matters unless disclosure of identifiable information is requested by the client in writing, is medically necessary, or is required by law;

(b) Protecting the interests of clients who are minors or clients who are unable to give voluntary and informed consent by obtaining prior written permission from a legal guardian;

(c) Following all state and federal guidelines regarding the collection and disposal of client information.

- (4) Business Practices:** The licensee shall practice with honesty, integrity, and lawfulness in the business of massage and bodywork by:
- (a) Providing a physical setting that meets all applicable legal requirements for health and safety;
 - (b) Maintaining adequate and customary liability insurance in accordance with statutory requirements;
 - (c) Maintaining records for each client session;
 - (d) Accurately and truthfully informing the public of services the licensee is legally qualified to perform;
 - (e) Honestly representing all professional qualifications and affiliations;
 - (f) Avoiding conflicts of interest;
 - (g) Advertising in a manner that is not misleading to the public or alluding to sexual activity in the operation or on the premises of a massage therapy business;
 - (i) Notifying the Board, electronically or on forms approved by the Board, of any changes in the following information within thirty (30) days of such change:
 - 1. Physical address;
 - 2. Mailing address;
 - 3. Email address;
 - 4. Telephone number(s); and,
 - 5. Legal Name Change. Name change requests must be accompanied by legally certified documentation reflecting the change.
- (5) Roles and Boundaries:** The licensee shall adhere to ethical boundaries and perform the professional roles designed to protect both the client and the licensee, and safeguard the therapeutic value of the relationship by:
- (f) Respecting the client’s right to refuse the therapeutic session or any part of the therapeutic session;
 - (g) Refraining from practicing under the influence of alcohol, drugs, or any illegal substances (with the exception of a prescribed dosage of prescription medication which does not impair the licensee);
 - (h) Having the right to refuse and/or terminate the service to a client for reasons to include but not limited to an immediate or potential risk to the safety of the client or therapist.
- (6) Prevention of Sexual Misconduct and Inappropriate Touch:** The licensee shall refrain from any behavior that sexualizes, or appears to sexualize, the client/therapist relationship. The Licensee recognizes the intimacy of the therapeutic relationship may activate practitioner and/or client needs and/or desires that weaken boundaries which may lead to sexualizing the therapeutic relationship. As a result, the Licensee shall:
- (a) Refrain from participating in a sexual relationship or sexual conduct with the client, whether consensual or otherwise, from the beginning of the client/therapist relationship and for a minimum of six (6) months after the termination of the client/therapist relationship, unless an ongoing current sexual relationship existed prior to the date the therapeutic relationship began. In the case of a pre-existing ongoing sexual relationship, providing therapeutic massage and bodywork on such a person is discouraged, but may be

done with informed consent which acknowledges the power differential in a therapeutic relationship and the complexities of dual relationships;

(b) In the event the client initiates sexual behavior, interrupt therapy to clarify the purpose of the therapeutic session. Provided that the client's initial sexual behavior ceases, the Licensee may, at his or her discretion, take action to terminate or continue the session. The Licensee shall terminate the session if the sexual conduct continues;

(c) With the exception of a pre-existing ongoing sexual relationship, as set forth in (a), recognize that sexual activity with clients, students, employees, supervisees, mentees, trainees, or anyone else with whom a power differential exists, is prohibited even if consensual;

(d) Not touch the genitalia;

(e) Only provide therapeutic breast, gluteal and inner thigh massages:

1. As indicated in the plan of care;
2. After receiving informed voluntary written consent; and,
3. Only if the licensee is permitted to do so under state law.

7. BR 345-5-.02. Unprofessional Conduct

345-5-.02. Unprofessional Conduct

(1) Unprofessional conduct shall include, but not be limited to, the following:

(a) Failing to comply with requirements for professional continuing education;

(b) Performing any act which knowingly aids, assists, procures, advises or encourages an unlicensed person to practice massage therapy.

(c) Failing to display the license certificate or a photocopy thereof in an appropriate and public manner at each location at which he or she practices;

(d) Violation of, or noncompliance with, any of the following:

1. Recognized Professional Standards of Practice in Board Rule 345-5-.01;
2. A statute, law, or any rule or regulation of this state, any other state, the professional licensing board regulating the business or profession licensed under this title, the United States, or any other lawful authority without regard to whether the violation is criminally punishable when such statute, law, or rule or regulation relates to or in part regulates the practice of a massage therapy;
3. Any Order of the Board previously entered by board in a disciplinary hearing, consent decree, or license reinstatement.

(e) Failing to accurately reflect in the client's record the assessment, care, treatment, and other services offered or provided, to include but not limited to client referrals to other licensed healthcare providers, unless disclosure or release of such confidential information is requested by the client in writing or is required by law.

(f) Knowingly making misleading, deceptive, untrue or fraudulent representations in an application for licensure, reinstatement, or licensure renewal filed with the board, in a document pertaining to the practice of massage therapy, the filing of any insurance claim, or in any document in connection therewith.

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to post the following Board Rules for a Public Rules Hearing.

8. BR 345-5-.03. Scope of Practice of Massage Therapy Students

345-5-.03. Scope of Practice of Massage Therapy Students

- (1) A person pursuing a course of study leading to a degree or certificate as a massage therapist in an educational program recognized by the board may engage in the practice, services, or activities of massage or massage therapy when such person is:
 - (a) Actively enrolled in a massage therapy program or school recognized by the Board;
 - (b) Designated by title indicating student status and shall not represent themselves as a massage therapist or massage practitioner;
 - (c) Fulfilling uncompensated work experiences required for the attainment of the degree or certificate at the Board recognized massage program location or community events supervised by the Board recognized massage program faculty or staff. For the purpose of this rule "uncompensated" means a person in student status may not intentionally or knowingly agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, in the form of payments, gifts, tips, remuneration, recompense, or rewards to or from any person or entity for services rendered while in student status.
- (2) The primary responsibility for the services provided for clients by the designated student rests with the faculty or staff who are licensed massage therapists.
- (3) Documentation of all services for clients and treatment plans must be reviewed and approved by the faculty or staff who are licensed massage therapists.
- (4) The Board may pursue discipline against any licensee (individual or education program) who performed any act which in any way aids, assists, procures, advises, or encourages massage therapy practice which is outside of the scope of a massage therapy student.

9. BR 345-5-.04. Unlicensed Practice

345-5-.04. Unlicensed Practice

A licensee or applicant for licensure who is found to have engaged in or added and abetted unlicensed practice may be denied licensure or disciplined by the Board pursuant to O.C.G.A. 43-1-19(a)(7). Licensees found to have violated this rule are subject to public discipline issued by the Board, which may include imposition of a fine of up to \$500 per occurrence.

10. BR 345-6-.01. Board Recognition Status Requirements

345-6-.01. Board Recognition Status Requirements AUTHORIZED

- (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 or be approved by a state massage therapy board or agency with equivalent standards; 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 a 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, is approved by a state massage therapy board, or is approved by another accrediting agency with equivalent standards; 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.

11. BR 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.

8. Transcripts not provided in clock hours will not be accepted, unless the board approved educational program submits a credit hour to clock hour conversion per class directly to the Board.

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

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 O.C.G.A. § 43-24A-3(4) 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 in O.C.G.A. § 43-24A-3(4).

(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.

(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.

13. BR 345-7-.03. Advertising

Rule 345-7-.03. Advertising

(1) It shall be considered a violation of the massage therapy practice act for a licensee to:

(a) Advertise massage therapy services in conjunction with escort or dating services, adult entertainment, or illegal acts relating to sex related crimes

(b) Any advertising using inappropriate draping techniques in which the client's genitalia, butt or breasts are exposed.

(c) Advertise false, misleading, or deceptive practices or images as it relates to massage therapy in any manner including but not limited to the following:

(1) Advertising that has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures;

(2) Advertising that contains any guarantee of the results of any services;

(3) Advertising of services that the licensee is not licensed to perform in this state;

(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."

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to refer to AMTA to lobby to change O.C.G.A. 43-24A(2) "professional" to "provider" and to have massage therapy listed as a provider under the practitioners listed under O.C.G.A. 41-1-33(3)

Scheduled Board Appointments

11:00 a.m. Applicant 2897782

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to uphold the previous motion to deny.

Executive Session Minutes

1. March 12, 2021 Executive Session Investigative Committee Zoom Meeting Minutes

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to approve the March 12, 2021 executive session investigative committee zoom meeting minutes as presented.

2. March 23, 2021 Executive Session Zoom Meeting Minutes

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to approve the March 23, 2021 executive session zoom meeting minutes as presented.

Investigative Committee Report – C. Knowles

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

- MT190039** Refer to Investigations as discussed.
- MT200072** Refer to the AG office for a hearing or Public Consent Order to include a Reprimand for unprofessional conduct with terms and conditions as discussed based on practicing beyond the scope of training, failing to obtain written informed and voluntary consent, failure to accurately inform clients about the scope and limitations of massage therapy to include contraindications and failing to maintain appropriate records.
- MT200105** Close the case on Respondents 2 and 3 in this case.
- MT210011** Table pending additional investigation.
- MT210022** Refer to the Attorney General's office for review, analysis, and advice.
- MT210088** Close the case with a Letter of Concern and renew the license.
- MT210091** Refer to Investigations.
- MT210099** Close the case.
- MT210101** Refer to the Attorney General's Office for a Hearing for a Cease and Desist Order.
- MT210104** Close the case. Refer to the Ohio Board of Massage Therapy.

Miscellaneous Executive Discussion

1. MT180168 / MT210027 / MT210029

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 hearing for revocation of licensure based on noncompliance with the order and new complaint. Notify Respondent that their license remains suspended due to failure to remain in compliance with the consent order.

2. MT180083

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to refer to Open Records Officer in Atlanta.

Applications for Board Review

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:

Arrests

Applicant 2905678 Issue the license with a Letter of Concern regarding criminal history. Must notify the Board of any further action with the pending criminal case and of any additional charges.

Applicant 2898061 Issue the license with a Letter of Concern regarding criminal history.

Reinstatements

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

Applicant 2901643 Deny for failure to meet educational requirements for licensure based on BR 345-4-.05(5) and O.C.G.A. § 43-24A-8.

Applicant 2862864 Issue the license with a Letter of Concern regarding criminal history pending submission of proof of submission of 12 hours hands on CE. If proof of CE provided, send a Reservations of Rights letter. Must notify the Board of final disposition of pending court case within 10 days of receipt and/or additional charges.

Renewals

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:

MT210102 Deny the renewal. Refer to Attorney General's Office for a hearing for revocation for failure to meet renewal requirements and failure to provide proof of insurance.

Applicant 1093019 Upon receipt of certificate of insurance (must be received within 10 business days), issue the license with a Letter of Concern regarding completing renewal in a timely manner.

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

Applicant 2677976 Uphold previous motion and deny request for refund.

MT210112 Refer to Legal Services for a Public Consent Order for License Renewal with a fine of \$1000 for making a false representation on the renewal application and failure to meet CE requirements within the biennium. CE Hours taken in March 2021 may not be used to meet CE requirements for the biennium ending October 31, 2022. Fine may be paid in installments of \$100 per month until paid in full. Flag for CE Audit.

Transcript Review

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:

Applicant 2904230 Issue the license.
Applicant 2878252 Uphold previous motion to deny.
Applicant 2896867 Issue the license.
Applicant 2909431 Issue the license.
Applicant 2899199 Issue the license.
Applicant 2897620 Issue the license.
Applicant 2907533 Issue the license.
Applicant 2914722 Issue the license.

Adjournment With no further business to be discussed, the meeting was adjourned at 2:50 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: June 11, 2021

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR