

GEORGIA BOARD OF MASSAGE THERAPY
Board Zoom Meeting Minutes
Friday, June 11, 2021 - 9:00 a.m.

The Georgia Board of Massage Therapy met via Zoom meeting on Friday, June 11, 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

Melissa Tracy, Senior Assistant Attorney General
Caroline Lugo, Assistant Attorney General

Visitors Present

Sharon Remaly, LMT, AMTA-GA Government Relations Chair
Jane Johnson, LMT
Laura Embleton, Government Relations Director, Associated Bodywork and Massage Professionals (ABMP)
Janice Shelby
Pat Neri, Georgia Nonpublic Postsecondary Education Commission (GNPEC), Program Manager
Vivian Davis
Toni Roberts

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 9:00 a.m.

Ms. Nichols motioned, Ms. Curry seconded, and the Committee 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, June 11, 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

Scheduled Board Appointments

11:00 a.m. Applicant 2846047

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and extend the expiration date of the application to allow the Applicant to submit a new petition. Petition for Rule Waiver/Variance must be received by June 30, 2021. If the petition is not received, uphold the previous motion to deny licensure.

Executive Session Minutes

1. April 9, 2021 Executive Session Zoom Meeting Minutes

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to approve the April 9, 2021 executive session zoom meeting minutes as presented.

2. May 21, 2021 Executive 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 May 21, 2021 executive session investigative committee zoom meeting minutes as presented.

Attorney General's Report – M. Tracy

1. AG MEMO – MT180074

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and close the case, no action, and flag for CE Audit.

2. AG MEMO – MT170122

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to rescind the previous motion as the consent order is considered to be satisfied, renew the license, close the case, and flag for CE Audit.

3. AG MEMO – MT200122

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and close the case.

4. Osborne, Vincent, MT012516 – Initial Decision

The Board reviewed the Initial Decision dated May 10, 2021, from the Office of State Administrative Hearings related to Vincent Osborne, license number MT012516. The Administrative Law Judge recommended that the license be revoked. The Attorney General's Office will prepare the final decision of revocation for docketing once the time for Respondent to request agency review has passed.

Cara Lugo left the meeting at 9:23 p.m.

5. Board Request for AG Advice – Release of Investigative Records

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to withdraw the request for a Memorandum of Advice.

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.

Legal Services MEMO – Cases for Ratification/Requests for Reconsideration

1. MT210086

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to table pending submission of proof of completion of CE. If submitted within 15 days of receipt of notification, reduce fine to \$500. If not received, uphold the previous motion.

2. MT210073

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and refer to Legal Services for a Public Consent Order for Renewal with a fine of \$500 for failure to fulfill renewal requirements and for Legal Services to include a letter to the Respondent which provides an explanation of CE requirements which references the board rules.

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:

- MT120062** Close the case on Respondent 1, no jurisdiction. Refer respondent 2 to the Attorney General's Office for a Hearing for a Public Consent Order with terms and conditions as discussed.
- MT180042** Close the case, no jurisdiction. If attempts to reinstate, case to be reviewed by the Board.
- MT180091** Close the case, no jurisdiction. If attempts to reinstate, case to be reviewed by the Board.
- MT180169** Refer to Investigations.
- MT190035** Close the case, no jurisdiction. If attempts to reinstate, case to be reviewed by the Board.
- MT190110** Close the case on Respondent 1, no jurisdiction. If attempts to reinstate, case to be reviewed by the Board. Refer Respondent 2 to the Attorney General's Office for a Hearing for Revocation of licensure for Keeping a House of Prostitution. Notify the County business license or occupational tax department as discussed.
- MT200017** Close the case, no jurisdiction. If attempts to reinstate, case to be reviewed by the Board.
- MT200019** Close the case, no jurisdiction. If attempts to reinstate, case to be reviewed by the Board.
- MT200041** Close the case, no jurisdiction. If attempts to reinstate, case to be reviewed by the Board.
- MT210024** Close the case, no jurisdiction. If attempts to reinstate, case to be reviewed by the Board.
- MT210109** Refer to investigations. Notify local law enforcement and county business license or occupational tax departments as discussed.
- MT210128** Deny renewal and refer to the Attorney General's Office for Hearing for Revocation of Licensure due to failure to meet requirements.
- MT110091** Release the case file to Local law enforcement.
- MT170089** Rescind the previous vote. Deny renewal for Respondent 1. Refer Respondent 1 to the Attorney General's Office for a Hearing for Revocation of the Licensure based on failure to meet requirements for the renewal of the license and unethical conduct. Release the case file to Local law enforcement.
- MT180169** Rescind the previous vote. Deny renewal for Respondent 1. Refer Respondent 1 to the Attorney General's Office for a Hearing for Revocation of the Licensure based on failure to meet requirements for the renewal of the license and unethical conduct. Release the case file to Local law enforcement.
- MT200156** Deny renewal for Respondent 1. Refer Respondent 1 to the Attorney General's Office for a Hearing for Revocation of the Licensure based on failure to meet requirements for the renewal of the license and unethical conduct. Schedule an investigative interview with Respondent 2. Release the case file to Local law enforcement. Notify the city business licensing or occupational tax department.
- MT200157** Once received from investigations, deny renewal for Respondent 1. Refer Respondent 1 to the Attorney General's Office for a Hearing for Revocation of the Licensure based on failure to meet requirements for the renewal of the license and unethical conduct. Release the case file to Local law enforcement.

Miscellaneous Executive Discussion

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

1. **MT200121** Refer to the Attorney General's Office for revocation of licensure based on failure to demonstrate the qualifications for licensure [O.C.G.A. §§ 43-1-19(a)(1) and 43-24A-8(b)(7)].
2. **Policy D1 Request – MT180123_HarmonyMassage – Special Agent Mike Cordero, GBI HEAT Unit**
Accept the release the requested records per Policy D1.
3. **MT170047** Grant petition to terminate probation.

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:

Applicant 2849392 Refer to the Attorney General’s Office for a Public Consent Agreement for Licensure based on action in another jurisdiction with terms and conditions to include probation for a minimum of 4 years with quarterly personal and employer reports. The Respondent may petition to terminate probation after that time period. Such petition must be accompanied by the satisfactory result of a criminal background check for the Board to review.

Arrests

Applicant 2915405 Issue license with a Letter of Concern regarding criminal history.

Applicant 2922362 Issue license with a Reservations of Rights letter and the final disposition must be submitted to the Board within 10 days of adjudication of the criminal case.

Applicant 2842480 Issue license with a Reservations of Rights letter and the final disposition must be submitted to the Board within 10 days of adjudication of the criminal case.

Applicant 2882429 Refer to Legal Services for a Public Consent Agreement for Licensure with a fine of \$500 for false attestation on an application for licensure. Fine to be paid within 90 days of order docket date. Flag for CE audit.

Reinstatements

Applicant 2884036 Deny Reinstatement of Licensure for failure to meet educational requirements based on BR 345-4-.05(5) and O.C.G.A. § 43-24A-8.

Applicant 2939586 Refer to Legal Services for Public Consent Agreement with a fine of \$500 fine for unlicensed practice from November 1, 2020 – April 26, 2021.

Transcript Review

Applicant 2926745 Issue the license.

Applicant 2894395 Deny licensure for failure to meet educational requirements based on BR 345-4-.05(5) and O.C.G.A. § 43-24A-8. Inform applicant of waiver process.

OPEN SESSION

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

Open Session Minutes

1. April 9, 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 April 9, 2021 open session zoom meeting minutes as presented.

2. May 21, 2021 Executive 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 May 21, 2021 open session investigative committee zoom meeting minutes as presented.

Licenses to Ratify: April 2, 2021 – June 4, 2021

Ms. Nichols motioned, Ms. Curry 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 – Health and Safety Regulations/Inspections for Massage Therapy Businesses – Courtney Coley, MT011527

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to notify the writer that the Board thanks them for their correspondence, but that the Board has no authority over businesses and recommends that they address the question with the city or county where the business license is issued.

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

- 1. 05-01-21 Approved Provider Disciplinary Actions by State**
- 2. 05-01-21 Certificant Disciplinary Actions by State**
- 3. 05-01-21 School Compliance Report**
- 4. 06-01-21 Approved Provider Disciplinary Actions by State**
- 5. 06-01-21 Certificant Disciplinary Actions by State**
- 6. 06-01-21 School Compliance Report**

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to update the Board website with the current information.

Petition for Rule Waivers

1. BR 345-8-.03(1)(e) Blondell Daley

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-8-.03(1)(e) based on sufficient evidence to substantiate a substantial hardship.

2. BR 345-3-.02(2)(c) Felicia Michelle Warner

Ms. Curry motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-3-.02(2)(c) based on sufficient evidence to substantiate a substantial hardship.

Education Report – C. Knowles

1. Faculty Amendment – Georgia Massage School_RMP-000010

Ms. Nichols motioned, Ms. Curry seconded and the Board voted unanimously in favor of the motion to approve the faculty amendment for the massage therapy educational program.

Executive Director’s Report – A. Price

The 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:

- MT Compact
- 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 reiterated comments from the Executive Director Report regarding his being chosen as part of the group to create the Interstate Compact language for the profession of Massage Therapy. He explained that the Department of Defense established a grant for the purpose of a multistate compacts and NCBTMB was chosen to coordinate this work.

Mr. Knowles explained that he was one of 20 people across the country chosen to be a part of the formulation of the compact which he hopes to be completed in 18 months. He stated that the first meeting of this group will be in August and he will update the Board on the work done. He wanted to clarify that his involvement is not in any capacity as a Board member or as the Chairman of the Board, but as one highly involved in the profession as a licensed massage therapist in the state of Georgia.

Mr. Knowles also commented on the Georgia Occupational Regulation Review Council (GORRC) hearing and the work done by himself and the AMTA GA President on behalf of HB 305.

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.

Adjournment With no further business to be discussed, the meeting was adjourned at 12:25 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 25, 2021

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR