

GEORGIA BOARD OF MASSAGE THERAPY
Board Zoom Meeting Minutes
Friday, December 2, 2022 - 9:00 a.m.

The Georgia Board of Massage Therapy met via Zoom meeting on Friday, December 2, 2022. 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
Stephanie Bone', LMT, BWS, LDS, CR, Board Member

Board Members Absent

No members absent.

Visitors Present

Ashley Hernandez, Government Relations, Federation of State Massage Therapy Boards (FSMTB)
Christe Bomber, Director of Compliance, M Power Education
Alyssa Lucas, Program Director, Atlanta School of Massage (ASM)
Terri Barton, President, American Massage Therapy Association (AMTA) Georgia Chapter
Shanese Armstrong Mark, Board Member, AMTA Georgia Chapter
Justin A. Young, Continuing Education Program Manager, FSTMB

Administrative Staff Present

Michelle Hornaday, Board Support Specialist
Meagan Doss, Licensing Supervisor

Attorney General's Office Present

Bryon Thernes, Assistant Attorney General
Alexis Cromartie, Assistant Attorney General

Administrative Staff Absent

Adrienne Price, Executive Director

Call to Order

Mr. Knowles established that a quorum was present and called the meeting to order at 9:01 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.

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion 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, Jane Curry, and Stephanie Bone'.

At the conclusion of Executive Session on Friday, December 2, 2022, 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

Executive Session Minutes

- 1. October 28, 2022 Executive Session Zoom Meeting Minutes**
- 2. November 18, 2022 Executive Session Investigative Committee Zoom Meeting Minutes**

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to approve the October 28, 2022 Executive Session Zoom Meeting minutes and the November 18, 2022 Executive Session Investigative Committee Zoom Meeting Minutes as presented.

Attorney General's Report – B. Thernes

1. AG MEMO – MT190116

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

2. AG MEMO - MT230016

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to refer to Investigations as discussed in Executive Session.

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

Alexis Cromartie left the meeting at 9:30 a.m.

Ms. Nichols noted that the SOS Investigators are not getting enough information when conducting site visits, in part because the Board needs to tighten up the site inspection checklist. She indicated that she would take on the project and send her suggested checklist to Mr. Knowles and Mr. Thernes for review.

Investigative Committee Summary Report – P. Nichols

- MT190039** Issue a Mitigating Circumstances Letter with terms and conditions as discussed.
- MT190083** Close the case. No action.
- MT190118** Close the case due to insufficient evidence.
- MT210047** Close the case due to insufficient evidence.
- MT220006** Refer Respondent 3 to the Attorney General's Office for a Cease & Desist hearing and refer to the Georgia Board of Cosmetology & Barbers. Refer Respondent 1 to Legal Services for a Public Consent Agreement for Reinstatement of Licensure with terms and conditions as discussed.
- MT220014** Refer to the Attorney General's Office for a Cease & Desist hearing for aiding and abetting unlicensed practice and refer to the Georgia Board of Cosmetology & Barbers.
- MT220020** Close the case and renew the license.
- MT220025** Close the case due to insufficient evidence.
- MT220051** Close the case on Respondent 1. Refer Respondents 2 & 3 to the Attorney General's Office for a Cease-and-Desist hearing for aiding and abetting unlicensed practice.
- MT220064** Close the case due to insufficient evidence.
- MT220074** Close the case due to insufficient evidence.
- MT220088** Refer Respondent 1 to the Attorney General's Office to proceed with action as discussed for aiding and abetting unlicensed practice and failure to maintain professional standards. Accept the Cease & Desist from Respondent 2.
- MT220090** Refer Respondent 1 to the Attorney General's Office for a Public Consent Order for failure to maintain professional standards with terms and conditions as discussed.
- MT220091** Close the case. No jurisdiction.

Miscellaneous Discussion

Investigative Committee to review the Professional Standards Checklist for investigative inspections and present any recommended amendments to the Board for consideration.

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to accept the Investigative Committee Summary Report as presented.

Miscellaneous Executive Discussion – MT210029

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to refer the complaint file to NCBTMB.

Applications for Board Review

Inactive Status Requests

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

Applicant 1304178 Deny request for inactive status.

Applicant 1090393 Deny request for inactive status. Applicant may withdraw renewal application and allow license to lapse.

Reinstatement

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

Applicant 3047881 Deny based on disciplinary and criminal history.

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:

Applicant 1094381 Refer to the Attorney General's office for a Public Consent Order for Renewal of Licensure to include terms and conditions as discussed based upon criminal history and failure to report a felony conviction to the Board in accordance with O.C.G.A. § 16-13-111(a) & (c). Flag for CE Audit.

Applicant 2846034 Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a reprimand and fine of \$500.00 for false attestation on renewal application. Fine must be paid in full within 90 days of the order docket date. Flag for CE Audit.

Applicant 2855159 Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a reprimand and fine of \$500.00 for failure to meet CE requirements. Fine must be paid in full within 90 days of the order docket date. Must submit proof of completion of 12 hours of Live/In person/Hands-On CE within 90 days of the order docket date. Flag for CE Audit.

Applicant 2774850 Refer to Legal Services for a Public Consent Agreement for Renewal of Licensure with a reprimand and fine of \$1000.00 for false attestation and failure to meet CE requirements within the biennium. Fine must be paid in full prior to October 31, 2023.

CE submitted to comply with 2022 CE requirements may not be used towards next renewal. Hours taken in November 2022 may not be used to meet CE requirements for the next biennium. Flag for CE Audit.

- Applicant 2643488** Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a reprimand and fine of \$500.00 for failure to meet CE requirements Fine must be paid in full within 90 days of the order docket date. Must submit proof of completion on 12 hours of Live/In person/Hands-On CE within 90 days of the order docket date. Hours taken in November 2022 may not be used to meet CE requirements for the next biennium. Flag for CE Audit.
- Applicant 2697293** Amend previous motion and refer to Legal Services for a Public Consent Order for Renewal of Licensure with a reprimand and fine of \$1000.00 for failure to meet CE requirements and false attestation on renewal application. Fine must be paid in full prior to October 31, 2023. Must submit proof of completion on 12 hours of Live/In person/Hands-On CE within 90 days of the order docket date. Flag for CE Audit.
- Applicant 2635411** Renew the license with a Mitigating Circumstances Letter regarding accurate and timely completion of CE. Proof of completion of a half hour (.5 hours) of CE must be submitted within 90 days of receipt of notification. If fail to comply refer to Legal Services for a Public Consent Order for License Renewal with terms and conditions as discussed.
- Applicant 1084715** Renew the license.
- Applicant 1085801** Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a reprimand and fine of \$1000.00 for False Attestation and failure to meet CE requirements. Fine must be paid in full prior to October 31, 2023. 18 hours of approved CE [12 hours of which must be Live/In person/Hands-On] due within 90 days of order docket date. Flag for CE Audit.
- Applicant 2939579** Renew the license with a Letter of Concern regarding criminal history. Must notify the Board within 10 days of adjudication oof criminal case.
- Applicant 2848554** Renew the license with a reservation of rights letter. Refer to the Attorney General's Office for a hearing for Revocation of Licensure for violation of O.C.G.A. § 43-1-19(a)(6). Will accept a Voluntary Surrender.
- Applicant 2625384** Renew the license with a Reservations of Rights letter.
- Applicant 2309595** Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a reprimand and fine of \$1000.00 for failure to meet CE requirements and false attestation. Fine must be paid within in full prior to October 31, 2023. CE hours taken November 1, 2022 cannot be used to fulfill renewal requirements for the 2024 biennium. Flag for CE Audit. Consent Agreement to include a Reservations of Rights letter.
- Applicant 2848362** Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a reprimand and fine of \$500.00 for failure to meet CE requirements. Fine must be paid in full within 90 days of the order docket date. Must submit proof of completion on 1 hour CE within 90 days of the order docket date. Hours taken in November 2022 may not be used to meet CE requirements for the next biennium. Flag for CE Audit.
- Applicant 1077031** Renew the license.
- Applicant 2470301** Renew the license with a Reservations of Rights letter.
- Applicant 1076345** Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a

reprimand and fine of \$500.00 for failure to meet CE requirements. Fine to be paid within 90 days from the order docket date. Must submit proof of completion of [12] hours of [Live/In person/Hands-On] CE within 90 days of the order docket date. Flag for CE Audit.

Applicant 1305311 Renew the license with a Letter of Concern regarding criminal history.

Applicant 2833206 Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a reprimand and fine of \$1000.00 for false attestation and failure to meet CE requirements. Fine must be paid in full prior to October 31, 2023. Hours taken in November 2022 may not be applied towards the 2024 biennium. Flag for CE Audit.

Applicant 1090781 Renew the license with a Letter of Concern regarding criminal history.

Applicant 1083902 Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a reprimand and fine of \$500.00 for failure to meet CE requirements. Fine must be paid in full within 90 days of the order docket date. Must submit proof of completion on [12] hours of [Live/In person/Hands-On] CE within 90 days of the docket date. Flag for CE Audit.

Applicant 2892160 Applicant has met the educational requirement. Allow the applicant to take the MBLEX.

Transcript Review

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

Applicant 3053051 Deny based on failure to meet educational requirements [BR 345-8-.01].

Applicant 3043267 Deny based on failure to meet educational requirements [BR 345-8-.01].

Applicant 3049854 Deny based on failure to meet educational requirements [BR 345-8-.01].

OPEN SESSION

Open Session Minutes

- 1. October 28, 2022 Open Session Zoom Meeting Minutes**
- 2. November 18, 2022 Open Session Investigative Committee Zoom Meeting Minutes**

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to approve the October 28, 2022 Open Session Zoom Meeting Minutes, and the November 18, 2022 Open Session Investigative Committee Zoom Meeting Minutes as presented.

Licenses to Ratify: October 21, 2022 – November 25, 2022

Ms. Curry motioned, Ms. Bone' 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 – Ashley Hernandez, FSMTB Government Relations

- 1. Request for Board to Accept CE from FSMTB CE Registry**
- 2. FSMTB CE Standards and Registry Guidebook_Final_07272020**

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to notify the writer that the Board will accept providers that are listed in the FSTMB CE Registry as CE providers as long as they meet the Board's scope of practice for hours and providers.

Correspondence – National Board of Certification for Animal Acupressure and Massage (NBCAAM)

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to table the discussion and refer the correspondence in reference to NBCAAM, to the Attorney General's Office for a Memorandum of Advice.

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

1. 11-01-22 Approved Provider Disciplinary Actions by State
2. 11-01-22 Certificant Disciplinary Actions by State
3. 11-01-22 School Compliance Report

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to accept and add current reports to the Board website.

Federation of State Massage Therapy Boards (FSMTB)

1. In Touch E-Newsletter – November 2022
2. Annual Report – November 2022

The Board accepts the correspondence in reference to FSMTB, as information.

Board Zoom Meeting

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to schedule a meeting January 9, 2023 at 12:00 p.m. to review petitions for rule waiver/variance.

Petition for Rule Variance – BR 345-4-.02 Stacey Melinda Davis MT011875

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

Petitions for Rule Waiver

1. BR 345-4-.02 Beverly Wilson MT006291

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-4-.02 based on insufficient evidence to substantiate a substantial hardship.

2. BR 345-4-.01 Katrina Barton MT014126

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-4-.01 based on operation of law as the Board cannot waive law.

3. BR 345-3-.02 Barbara J Evans

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-3-.02 based on insufficient evidence to substantiate a substantial hardship.

4. BR 345-3-.02(2)(b) Michele Ecohardt

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345--3-.02(2)(b) based on operation of law as the Board cannot waive law.

5. BR 345-4-.02 Todd Daniel Seymour MT013979

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-4-.02 based on insufficient evidence to substantiate a substantial hardship.

6. BR 345-4-.05 (2)(c)(ii) Melanie Johnson

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.

7. BR 345-4-.02 Tamara S Dorroh

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-4-.02 based on insufficient evidence to substantiate a substantial hardship.

8. BR 345-3-.02(c) Lesha Yarbrough

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

Discussion – CE Broker Report

- 1. Monthly CE Broker Report – October 2022**
- 2. Monthly CE Broker Report – November 2022**
- 3. Post Renewal Audit**

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to conduct a 25% post renewal CE audit on those licensees with non-reported accounts.

The Board accepts the correspondence in reference to the monthly CE Broker Report, as information.

Education Report – C. Knowles

No report presented.

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, and complaints/compliance matters. In addition, the report addressed the following topic of interest with the Board:

- Board Member Vacancies
- MTL D
- Impact
- Rules Hearing
- Notice to Municipalities Concerning Violations of O.C.G.A. §§ 43-24A-30 - 43-24A-33

Ms. Bone' 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 reported on the upcoming Human Trafficking Summit with FSMTB and Polaris noting this will be a closed session meeting for those in law enforcement and regulatory positions. He stated that he continues to receive no feedback from AMTA Government Relations regarding the Board's requested legislative changes citing a follow up correspondence sent to Christine Hooper in October.

Ms. Curry motioned, Ms. Bone' 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 1:56 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Meagan Doss, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: January 9, 2023

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR