

GEORGIA BOARD OF MASSAGE THERAPY
Board Zoom Meeting Minutes
Monday, January 9, 2023 - 12:00 p.m.

The Georgia Board of Massage Therapy met via Zoom meeting on Monday, January 9, 2023. The following members were present:

Board Members Present

Craig Knowles, BAS, LMT, BCTMB, CNMT, Chair
Jayne Boyles Curry, Consumer Board Member
Stephanie Bone', LMT, Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Meagan Doss, Licensing Supervisor
Michelle Hornaday, Board Support Specialist

Board Members Absent

Pam Nichols, LMT, CNMT, HNC, Vice Chair

Attorney General's Office Present

Bryon Thernes, Assistant Attorney General

Visitors Present

Alyssa Lucas, Program Director, Atlanta School of Massage (ASM)

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 12:00 p.m.

OPEN SESSION

Ms. Bone' motioned, Ms. Curry 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, Jane Curry, and Stephanie Bone'.

At the conclusion of Executive Session on Monday, January 9, 2023, 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

1. Executive Session Minutes – December 2, 2022 Executive Session Zoom Meeting Minutes

Ms. Bone' motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to accept the December 2, 2022 Board Zoom Meeting Minutes as presented.

2. Applications for Board Review

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:

- a) **Applicant 3045665** Table pending additional information. If information is received as discussed, issue the license.
- b) **Applicant 3037335** Grant extension request until March 31, 2023.
- c) **Applicant 3058025** Deny based on failure to meet educational standards. May reapply once educational standards have been met.

3. Miscellaneous Executive Discussion – MT200007

Ms. Bone' motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion that the license is revoked by operation of law based on failure to renew. Must apply for reinstatement.

OPEN SESSION

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

Board Meeting Minutes – December 2, 2022 Open Session Zoom Meeting Minutes

Ms. Bone' motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to approve the December 2, 2022 Open Session Zoom Meeting Minutes as presented.

Petition for Rule Variance – BR 345-4-.1(2) Iris Elease Mack

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 345-4-.1(2) based on operation of law as the Board has no legal authority to waive law.

Petitions for Rule Waiver

1. BR 345-3-.02(2)(b) Lisa Hall

Ms. Bone' motioned, Ms. Curry 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 has no legal authority to waive law.

2. BR 345-3-.02 Shekema Mwana George

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 based on operation of law as the Board has no legal authority to waive law.

3. BR 345-3-.02 Michael Ray Harris

Ms. Bone' 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 operation of law as the Board has no legal authority to waive law.

4. BR 345-4-.05 Nicholas Prakash

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

5. BR 345-4-.05 Rebecca Moon

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-4-.05 based on sufficient evidence to substantiate a substantial hardship.

6. BR 345-4-.01 & BR 345-4-.05 Brian Sullivan

Ms. Bone' motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-4-.01 based on insufficient evidence to substantiate a substantial hardship and to deny the petition to waive BR 345-4-.05 based on operation of law as the Board has no legal authority to waive law.

7. BR 345-4-.05 Marvin Earl Chapman III

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-4-.05 based on sufficient evidence to substantiate a substantial hardship, and to deny the petition to waive O.C.G.A. § 43-24-A8 based on operation of law as the Board has no legal authority to waive law.

Discussion – Board Rule 345-3-.01 Application for Licensure

The Board entered into a discussion regarding amendments to Board Rule 345-3-.01 Application for Licensure and determined changes are necessary to balance both the reinstatement and initial application process. The amendments are designed to protect the public by prohibiting unsafe practices which will ensure competent practitioners equally as initial applicants and reinstatement applicants will need to demonstrate competence by achieving a passing score on the national exam. The recommended amendments remove information asymmetries for consumers, and it creates equal standards for both application types. As this rule is relevant to applicants for initial licensure, it effects applicants who recently graduated from an approved massage therapy educational program as well as applicants who were licensed in another jurisdiction who cannot show active massage therapy practice within the past five years.

The Board has been through the rule promulgation process since the Practice Act was amended and signed into law in 2019, and they have determined this is the best variation for which to accomplish the State's policy. The independent support taken into consideration includes the previous Memorandum of Authority from the Attorney General's Office and public comments received during the previous meetings concerning rule amendments.

The Board stated there is a loss of skill and knowledge over time, particularly when an individual has not been in a position to exercise them in practice. The amendments will afford greater public protection by ensuring that initial applicants who have not practiced within five years of passing the national examination, or initial applicants who have been out of school and took the exam five years ago or more, will have demonstrated same level of competence and skill by retaking the exam.

The Board discussed the economic impact of Board Rule 345-3-.01 Application for Licensure upon licensees and determined there is no direct economic impact if the applicant achieved a passing score on the exam within five years of the date of application. The change ensures applicants are qualified and up to standard thus providing a positive economic impact on business owners in the state of Georgia who will be hiring qualified licensed massage therapists. There is a negative economic impact if the initial applicant has been out of school or has not practiced within the five years prior to the date of application. Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee; and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the statutes.

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of the statute to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every applicant and licensee in the same manner in the field of Massage Therapy.

Ms. Bone' motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to approve the recommended changes to the previous amendments to the rule and refer the rule to the Attorney General's Office for a Memorandum of Authority. If no objections, vote to post.

345-3-.01. Application for Licensure

(1) In addition to the information required in the application, the applicant must also provide or complete the following:

(a) Proof of citizenship, permanent residency or lawful presence in the United States;

(b) Evidence of current liability insurance coverage as required in Code Section 43-24A-8 upon request by the board;

(c) Official verification from NCBTMB (National Certification Board for Therapeutic Massage and Bodywork) or FSMTB (Federation of State Massage Therapy Boards) showing applicant has passed the NCBTMB National Certification Exam for Therapeutic Massage (NCETM) or National Certification Exam for Therapeutic Massage & Bodywork (NCETMB), or the FSMTB Massage & Bodywork Licensing Exam (MBLEx), or an exam deemed equivalent by the Board or equal to the NCETMB, NCETM or the MBLEx; and,

(d) Proof that the passing score on the Board approved examination was achieved within five (5) years of the date of application.

(e) Applicants educated within the United States must also:

1. Submit an official, certified transcript from the applicant's school or program;
2. The transcript must show successful completion (graduation) of all massage therapy education hours which were obtained from a board-recognized massage therapy educational program in accordance with board rules chapter 345-8;
3. The Board will not accept a transcript which is not presented in clock hours unless the school or program has achieved recognition status with the Board or has provided a transcript which includes the conversion for semester or credit hours to clock hours; or,

(f) Applicants educated outside the United States must also:

1. Provide a credential evaluation report, in English, completed by a verifiable credential evaluation entity subject to the Board's approval to include:
 - (i) A certified copy of the school transcript translated into English;
 - (ii) Certified translations including the name and contact number of the person completing and approving the credential evaluation report; and,
 - (iii) The credential evaluation report shall include verification that the massage therapy educational entity providing the transcript to the applicant of the education was licensed, recognized or approved by a government, country, province or territory's educational commission, regulatory body or other verifiable official.
2. Official verification of passage of one of the following national exams: MBLEx, NCETMB, or NCETM.
3. The Board reserves the right to recognize and consider mitigating circumstances with regard to the provision of educational information within compliance with this rule.

Adjournment With no further business to be discussed, the meeting was adjourned at 12:54 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: February 17, 2023

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR