

GEORGIA BOARD OF MASSAGE THERAPY
Board Zoom Meeting Minutes
Friday, June 16, 2023 - 9:00 a.m.

The Georgia Board of Massage Therapy met via Zoom meeting on Friday, June 16, 2023. The following members were present:

Board Members Present

Craig Knowles, BAS, LMT, BCTMB, CNMT, Chair
Pam Nichols, LMT, CNMT, HNC, Vice Chair
Jane Boyles Curry, Consumer Board Member
Stephanie Bone', LMT, BWS, LDS, CR, Board Member

Administrative Staff Present

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

Board Members Absent

No members absent.

Attorney General's Office Present

Bryon Thernes, Assistant Attorney General

Visitors Present

Alyssa Lucas, Program Director, Atlanta School of Massage (ASM)
Javier Pico Prats, Counsel ASM
Linda Nordahl
Latoya Thomas
Ashley Hernandez, Government Relations, Federation of State Massage Therapy Boards (FSMTB)

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

The Board accepted the Zoom meeting agenda as presented.

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, Pam Nichols, Jane Curry, and Stephanie Bone'.

At the conclusion of Executive Session on Friday, June 16, 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

Pam Nichols joined the meeting at 9:07 a.m.

Executive Session Minutes

- 1. April 21, 2023 Executive Session Zoom Meeting Minutes**
- 2. May 19, 2023 Executive Session Investigative Committee Zoom Meeting Minutes**

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to approve the April 21, 2023 Executive Session Zoom Meeting minutes and the May 19, 2023 Executive Session Investigative Committee Zoom Meeting Minutes as presented.

Attorney General's Report – B. Thernes

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

1. **AG MEMO – MT220111** Rescind referral. Allow license to lapse by operation of law.
2. **AG MEMO – MT220087** Deny request and uphold the previous motion.
3. **AG MEMO – MT220140** Rescind referral. Allow license to lapse by operation of law.
4. **AG MEMO – MT230146** Rescind previous motion and close the case. Issue license with a Letter of Concern regarding disclosing criminal history.

Investigative Committee Summary Report – P. Nichols

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.

- MT210119** Release the investigative records as requested to GBI.
- MT220021** Close the case.
- MT220023** Refer Respondent 1 and 5 to the Attorney General's Office for a Hearing for Revocation of licensure for aiding and abetting unlicensed practice. Flag for Audit if another type of settlement occurs and revocation is not achieved. Refer Respondents 3 and 4 to the Attorney General's Office for Hearing for a Cease-and-Desist Order.
- MT220100** Refer to the Attorney General's Office for Hearing for Cease-and-Desist Order based on advertising massage therapy services without a valid license and refer complaint to the Georgia Composite Medical Board for practicing medicine without a license.
- MT220102** Deny the license renewal and refer to the Attorney General's Office for a Hearing for Revocation of the Licensure.
- MT220166** Schedule an Investigative Interview. Respondent must bring the records for each client for whom the Respondent has performed the procedure in question and documentation from the courts regarding the status of the criminal case to include but not limited to a certified copy of the final disposition, if available. If not available, must have statement from Respondent Attorney concerning the current status of the criminal case.
- MT230006** Accept the Voluntary Cease and Desist Order for Respondent 1.
- Refer Respondent 2 to the Attorney General's Office for Public Consent Order with a fine of \$1500 for aiding and abetting unlicensed practice Must pay the fine and complete 10 hours of ethics within 90 days of the docket date of the order. CE completed to satisfy the order may not be applied toward license renewal CE requirements and flag for CE Audit.
- MT230022** Close the case due to the lack of evidence.
- MT230025** Refer Respondent 1 to the Attorney General's Office for Public Consent Order with a fine of \$1500 for aiding and abetting unlicensed practice Must pay the fine and complete 10 hours of ethics within 90 days of the docket date of the order. CE completed to satisfy the order may not be applied toward license renewal CE requirements and flag for CE Audit. Refer complaint to the Georgia Cosmetology & Barber Board for aiding and abetting unlicensed practice.

Close the case with a Letter of Concern on Respondent 2 regarding failure to fully disclose employment history and engaging in unlicensed practice in the State of Georgia.

Close the case with a Letter of Concern on Respondent 3 for failing to display the massage therapy license issued by the Board in accordance with BR 345-6-.01(2)(d).

Close the case with a Letter of Concern on Respondent 4 regarding unlicensed practice.

MT230057 Close the case.

MT230070 Close the case due to insufficient evidence.

MT230075 Accept the Voluntary Cease and Desist Order and close the case. The Board may reopen the case on Respondent 2 based on the outcome of the criminal case.

MT230102 Accept the Voluntary Cease and Desist Order for Respondent 3 and close the case. May reopen case on Respondent 2 pending outcome of the criminal case.

MT230152 Deny eligibility to take the exam based on discrepancy in the graduation date.

Miscellaneous Executive Discussion

1. MT230158

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to continue denial of application for licensure. Should applicant reapply and the same documentation is presented applicant must confirm graduation from a GA Board approved school AND take the MBLEX exam Again, if permitted, in order to be reconsidered for licensure in the state of Georgia.

2. MT230159, MT230160, MT230162, and MT230163

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to refer to Attorney General's Office for revocation.

3. MT230161

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to continue denial of application for licensure. Should applicant reapply and the same documentation is presented applicant must confirm graduation from a GA Board approved school AND take the MBLEX exam Again, if permitted, in order to be reconsidered for licensure in the state of Georgia.

4. Executive Discussion – Case Closures (< 2010)

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to close all complaint cases dated December 31, 2010 and older.

5. MT220148 – RECORDS RELEASE

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to ratify the release of records to GBI in accordance with Policy D1.

6. MT220160

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to close the case.

Applications for Board Review

Initial Applications

Applicant 3094100 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 Public Consent Agreement for licensure with a fine of \$500.00 for practicing without a license. Fine must be paid 90 days from order docket date. Flag for CE Audit.

Arrests

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 3081193** Issue the license with a Letter of Concern regarding criminal history.
- Applicant 3082358** Refer to the Attorney’s General’s Office for a Public Consent Agreement for Licensure with a reprimand and fine of \$500.00 for failure to disclose an arrest. The fine must be paid in full prior to issuance of licensure. Flag for CE Audit.
- Applicant 3094625** Issue the license with a Letter of Concern regarding criminal history. Flag for CE audit.
- Applicant 3097655** Issue the license.
- Applicant 3100559** Issue the license with a Letter of Concern regarding extensive criminal history. Flag for CE audit.
- Applicant 3089919** Deny for failure to meet educational requirements.
- Applicant 3084350** Issue the license with a Letter of Concern regarding criminal history.
- Applicant 3077781** Issue the license.
- Applicant 3090723** Issue the license with a Letter of Concern regarding criminal history.
- Applicant 3091356** Issue license with a Letter of Concern regarding criminal history.

CE Audit – MT230150

Ms. Bone’ motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to send a Mitigating Circumstances Letter requiring the applicant to obtain 24 hours of CE (12 hours of which must be hands-on, in-person CE) related to the scope of massage therapy practice in the state of Georgia and meets the approval of the Board. Proof of competition must be received within 60 days of the notification from the Board offices. Once received, license will be renewed.

Massage Therapy Education Programs

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:

FACULTY AMENDMENT – Applicant 2855318 Approve faculty amendment as presented with conditions as discussed in Executive Session.

RENEWAL – Applicant 2855308 Renew the massage therapy education program.

Reinstatements

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 3082796** Reinstatement license with a Letter of Concern regarding unlicensed practice.
- MT230031** Deny based on previous disciplinary history, false attestation on reinstatement application, and unlawful acts [O.C.G.A. § 43-24A-15].

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 3093697** Deny based on failure to meet minimum education requirements [BR 345-8-.03(6)(a)].
- Applicant 3077104** Issue the license.
- Applicant 3076979** Table pending additional information.

OPEN SESSION

Open Session Minutes

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Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to approve the April 21, 2023 Open Session Zoom Meeting Minutes, and the May 19, 2023 Open Session Investigative Committee Zoom Meeting Minutes as presented.

Licenses to Ratify: April 15, 2023 – June 9, 2023

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 – Complaint and State Exams Question – Julie Eckert

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to notify the writer that there are no time limitations on filing a complaint. And that the Massage & Bodywork Licensing Examination (MBLEx) is a statutory requirement for licensure in the state of Georgia. The Board has no plans to create and offer its own state licensing exam due to the exorbitant cost of creating such, and its belief in a nationally portable exam platform.

Discussion – CE Broker – MT Monthly Report – May 2023

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

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

- 1. 05-01-23 Approved Provider Disciplinary Actions by State**
- 2. 05-01-23 Certificiant Disciplinary Actions by State**
- 3. 05-01-23 School Compliance Report**
- 4. 06-01-23 Approved Provider Disciplinary Actions by State**

5. **06-01-23 Certificant Disciplinary Actions by State**
6. **06-01-23 School Compliance Report**

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

Federation of State Massage Therapy Boards (FSMTB)

1. **Call for Nominations for Board of Directors and Nominating Committee**
2. **Virtual Membership Event – June 2023**
3. **In Touch E-Newsletter_June**

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

Petitions for Rule Waiver

1. BR 345-4-.05 Nakia Rashad Swafford

Ms. Nichols 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. May resubmit petition with a completed application.

2. BR 345-4-.05 Hannah Ingram

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.

3. BR 345-4-.05 Tong Tong

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-.05 based on insufficient evidence to substantiate a substantial hardship.

4. BR 345-4-.05 Melissa A O'Bryan

Ms. Nichols 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.

5. BR 345-4-.05(2)(c)(ii) Antoinette Wilson

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(2)(c)(ii) based on sufficient evidence to substantiate a substantial hardship.

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
- Rules Hearing
- PLB Updates

Ms. Bone' motioned, Ms. Nichols 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

1. American Massage Therapy Association – GA (AMTA-GA)

Mr. Knowles reported that he has been in contact with AMTA-GA for last two years regarding the Board’s recommendations for legislative changes to the Massage Therapy Practice Act signed into law in 2019. This includes investigations/applications processes. Mr. Knowles was contacted last month by the new president, Teri Barton. Mr. Knowles has met with her and AMTA-GA’s Government Relations Officer twice in the last two months to discuss the recommendations and why they are needed. Mr. Knowles has a meeting with James Spector, Senior Director, Government. & Industry Relations for the AMTA next week.

2. Georgia Works Commission

Mr. Knowles was appointed a Commissioner for the Georgia Works Commission by Secretary of State Brad Raffensperger. Mr. Knowles shared that he brings the regulatory board member side to the group made up of state legislators, including State Representatives and Senators. He will add much desired perspective of licensing and public protection. The purpose of the Commission is to get Georgians to work as soon as possible.

3. Grace Commission

Mr. Knowles will be joining the First Lady of Georgia, Marty Kemp, with her Grace Commission efforts to better assist the Commission with his experience on the Board, and knowledge of what needs to be changed in the licensing arena for human trafficking pipelines. They group hopes to meet in July.

Ms. Bone’ 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 11:56 a.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: July 28, 2023

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR