

GEORGIA BOARD OF MASSAGE THERAPY
Board WebEx Meeting Minutes
Friday, October 27, 2023 - 9:00 a.m.

The Georgia Board of Massage Therapy met via WebEx meeting on Friday, October 27, 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
Dan Nichols, Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Meagan Doss, Licensing Supervisor
Michelle Hornaday, Board Support Specialist
Donna Richardson, Complaint/Compliance Analyst

Board Members Absent

No members absent.

Attorney General's Office Present

Max Changus, Senior Assistant Attorney General
Justin Cotton, Assistant Attorney General
Brian Pelon, Assistant Attorney General

Visitors Present

Alyssa Lucas, Program Director, Atlanta School of Massage (ASM)
Ashley Hernandez, Government Relations, Federation of State Massage Therapy Boards (FSMTB)
Susan Davis
Jaimie Elston

Call to Order

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

OPEN SESSION

Agenda

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

Ms. Nichols 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, Stephanie Bone', and Dan Nichols.

At the conclusion of Executive Session on Friday, October 27, 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

Scheduled Board Appointments

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

9:30 a.m.	Applicant 3089919	Uphold the previous motion to deny.
10:30 a.m.	Applicant 3096512	Uphold the previous motion to deny.

Executive Session Minutes

- 1. August 21, 2023 Executive Session WebEx Meeting Minutes**
- 2. September 15, 2023 Executive Session Investigative Committee WebEx Meeting Minutes**

Ms. Nichols motioned, Mr. Nichols seconded, and the Board voted unanimously in favor of the motion to approve the August 21, 2023 Executive Session WebEx Meeting minutes and the September 15, 2023 Executive Session Investigative Committee WebEx Meeting Minutes as presented.

Attorney General's Report – M. Changus

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

Legal Services MEMO

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:

1. Cases for Ratification

- i. MT220006 Accept Order as received.
- ii. MT240024 Accept Order as received.

2. Case for Closure Due to Non-Responsiveness – MT230053

Ms. Nichols motioned, Mr. Nichols seconded, and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for Public Consent Order for Renewal of Licensure with a fine of \$1000 for failure to complete 12 hours of hands-on CE training until after deadline and for falsely representing that they were completed in renewal application. Must submit proof of completion on [12] hours of [Live-Hands-On] CE within 90 days of the order docket date. Flag for CE Audit.

Investigative Committee Summary Report – P. Nichols

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

MT230043	Rescind the previous motion for a Public Order and refer to the Attorney General's Office for hearing for Revocation of licensure.
MT230128	Refer to the Attorney General's Office for hearing for Revocation of licensure. Ms. Nichols recused herself.
MT210068	Deny request to terminate probation until specified conditions have been met.
MT220079	Refer to Legal Services for a Public Consent Order with terms and conditions as discussed.
MT220104	Refer to the Attorney General's Office for a Public Consent Order with terms and conditions as discussed.
MT220157	Close the case due to insufficient evidence.
MT220158	Close the case, no action.
MT230061	Close the case due to insufficient evidence.
MT230066	Close case with a Letter of Concern regarding proper displaying of license and maintenance of facility standards.
MT230068	Refer to Attorney General's Office for a Cease-and-Desist Order on Respondent 1. Refer a complaint to the Georgia Board of Cosmetology and Barbers on Respondent 2 and a complaint to the Georgia Board of Nursing on Respondent 3. Refer a complaint to County Taxpayers Services Division on the business owners.
MT230155	Close case no action.
MT240003	Refer to the Attorney General's Office for hearing for Revocation of licensure.
MT240007	Close case with a Letter of Concern regarding draping and client privacy.
MT230090	Close the case due to insufficient evidence.
MT240016	Refer to the Attorney General's Office for hearing for Revocation of licensure.

Applications for Board Review

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

Arrests

Applicant 3111467 Issue the license.

Massage Therapy Education Programs

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

Applications – Initial

Applicant 3108010 Deny based on failure to meet requirements of O.C.G.A. § 43-24A-3(4) (BR 345-8-.01).

Applicant 3041296 Deny based on violations of O.C.G.A. § 43-1-19(a)(2) & (5).

Curriculum Changes

Applicant 2855348 Approve the curriculum change for the massage therapy educational program.

Faculty Amendments

Applicant 2915014 Approve the faculty amendment for the massage therapy educational program.

Transcript Reviews

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

Applicant 3039116 Deny based on failure to meet education requirements of O.C.G.A. § 43-24A-3(4) (BR 345-8-.01).

Applicant 3093697 Rescind previous motion and issue the license.

Applicant 3114885 Deny based on failure to meet the requirements of O.C.G.A. § 43-24A-3(4)(A-C).

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

Schedule an Applicant Interview for each of the following applicants with instructions as discussed in Executive Session.

Applicant 3119826

Applicant 3102259

Applicant 3100562

Applicant 3120089

Applicant 4000044

Applicant 4000080

Applicant 3100561

OPEN SESSION

Agenda

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

New Board Member Introduction, Dan Nichols

Mr. Knowles welcomed new Board member, Dan Nichols to the Board stating he has an exciting role ahead of him.

Open Session Minutes

1. August 21, 2023 Open Session WebEx Meeting Minutes

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to approve the August 21, 2023 Open Session WebEx Meeting minutes as presented.

2. September 15, 2023 Open Session Investigative Committee WebEx Meeting Minutes

Ms. Bone' motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to approve the September 15, 2023 Open Session Investigative Committee WebEx Meeting Minutes as presented.

Licenses to Ratify: August 4, 2023 – October 20, 2023

Mr. Nichols 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.

Correspondence – Massage Therapy Regulations in Accommodating Disabled Clients – Carly Matthews

Ms. Curry motioned, Mr. Nichols seconded, and the Board voted unanimously in favor of the motion to notify the writer that the Georgia Massage Therapy Practice Act and Board rules have no specific provisions relative to ADA accommodations; however, BR 345-6-.01(1)(h), (2)(e) & (k) does stipulate that licensees must not deny treatment to individuals based on multiple factors to include disabilities. In addition, O.C.G.A. § 43-1-19(a)(8) stipulates that a licensee may be disciplined if such licensee violates a statute, law, or any rule or regulation of this state, any other state, the professional licensing board regulating the profession licensed in Georgia, the United States, or any other lawful authority. As a result, the writer must review all local and state laws and rules relative to ADA accommodations and govern themselves accordingly.

Correspondence – City of Roswell Business Registration Division

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to notify the writer that whereas lymphatic drainage does fall under the scope of a licensed massage therapist in the State of Georgia, the use of the technique also falls within the scope of practice of other licensed professions in this state.

Discussion – Request from Georgia Department of Public Health Opioid Substance Misuse Response Program – Donovan M. Stephens, MPH, Deputy Director

Ms. Nichols motioned, Mr. Nichols seconded, and the Board voted unanimously in favor of the motion that pursuant to O.C.G.A. 43-1-2(k)(1), approve release of the identified applicant information to the Georgia Department of Public Health Opioid & Substance Misuse Response Program upon receipt of written request.

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

- 1. 09-01-23 Approved Provider Disciplinary Actions by State**
- 2. 09-01-23 Certificant Disciplinary Actions by State**
- 3. 09-01-23 School Compliance Report**

4. **10-01-23 Approved Provider Disciplinary Actions by State**
5. **10-01-23 Certificant Disciplinary Actions by State**
6. **10-01-23 School Compliance Report**

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

Federation of State Massage Therapy Boards (FSMTB)

1. **2023 Board of Directors Candidates**
2. **Letter to the Membership from the FSMTB Board of Directors**

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

Discussion – CE Broker

1. **MT Monthly Report – August 2023**
2. **MT Monthly Report – September 2023**

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

Petitions for Rule Waiver

1. **BR 345-8-.03(5)(b) Augusta School of Massage_RMP-000006**

Mr. Nichols motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-8-.03(5)(b) based on insufficient evidence to substantiate a substantial hardship.

2. **BR 345-4-.05(2)(c)(ii) Rachel Durbin**

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

3. **BR 345-3-.02(2)(c) Xiaodang Qi**

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

4. **BR 345-3-.02(2)(c) Patricia Becker**

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

Petitions for Rule Variance

1. **BR 345-4-.02 & BR 345-4-.05 Jennifer J Johnston**

Mr. Nichols motioned, Ms. Nichols 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.

Mr. Nichols 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 operation of law [O.C.G.A. § 43-24A-14(b)].

2. **BR 345-3-.02 & 345-8-.01 Susan Davis**

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 345-4-.02 based on based on operation of law [O.C.G.A. § 43-24A-8(b)].

Ms. Bone' 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 operation of law [O.C.G.A. § 43-24A-14(b)].

3. BR 345-4-.05 Kwang Jin Suh

Mr. Nichols motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to deny the petition for variance of 345-4-.05 based on operation of law [O.C.G.A. § 43-24A-14(b)].

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:

- PLB Updates
- Rules Hearing
- MTLD
- IMpact Legislative Summit

Ms. Nichols motioned, Mr. 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

Mr. Knowles provided an overview of where the Massage Therapy Licensing Compact stands and included in his report a synopsis of the IMpact Legislative Summit. Mr. Nichols motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion for Mr. Knowles to continue in his role as Board liaison with AMTA, FSMTB and the Board.

Stephanie Bone' served as the Board Delegate to the FSMTB Annual Meeting and provided a synopsis on the events that took place during the meeting.

Ms. Nichols motioned, Mr. 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 1:03 p.m.

Minutes recorded by:	Adrienne Price, Executive Director
Minutes reviewed and edited by:	Meagan Doss, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on:	December 1, 2023

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR