

GEORGIA BOARD OF MASSAGE THERAPY
Board WebEx Meeting Minutes
Friday, December 1, 2023 - 9:00 a.m.

The Georgia Board of Massage Therapy met via WebEx meeting on Friday, December 1, 2023. The following members were present:

Board Members Present

Craig Knowles, BAS, LMT, BCTMB, CNMT, Chair
Pam Nichols, LMT, CNMT, HNC, Vice Chair
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

Jane Boyles Curry, Consumer Board Member

Attorney General's Office Present

Brian Pelon, Assistant Attorney General

Visitors Present

Lance Hostetter
Traci Daly-Smith
Jill Moody, ASM
Call-in User 4
Kelli Atkinson

Call to Order

Mr. Knowles established that a quorum was present and called the meeting to order at 9:07 a.m.

OPEN SESSION

Agenda

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

At the conclusion of Executive Session on Friday, December 1, 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 pam/dan

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:

Applicant 3120089

Deny application based on false attestation and failure to disclose information on application for licensure.

Applicant 3006336

Deny application base on false attestation and failure to disclose information on application for licensure.

- Applicant 3119826** Deny application based on false attestation and failure to disclose information on application for licensure.
- Applicant 3102259** Deny based on failure to meet statutory requirements for invalidated MBLEx scores.
- Applicant 3100562** Withdraw application due to expiration.
- Applicant 4000044** Deny application based on false attestation and failure to disclose information on application for licensure.
- Applicant 4000080** Deny application based on false attestation and failure to disclose information on application for licensure.
- Applicant 3100561** Withdraw application due to expiration.
- Applicant 3108010** Rescind the previous motion and table pending receipt of additional information. If rec'd as discussed, license may be approved per Cognizant review.

Executive Session Minutes

- 1. October 27, 2023 Executive Session WebEx Meeting Minutes**
- 2. November 17, 2023 Executive Session Investigative Committee WebEx Meeting Minutes**

Mr. Nichols motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to approve the October 27, 2023 Executive Session WebEx Meeting minutes and the November 17, 2023 Executive Session Investigative Committee WebEx Meeting Minutes as presented.

Attorney General's Report – B. Pelon

- 1. AG MEMO MT230163**

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to rescind previously motion to refer to the Attorney General's Office, close the case, and issue the license with a Letter of Concern regarding violation of BR 345-4-.02(4).

Ms. Nichols motioned, Mr. 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

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:

- 1. Case for Ratification - MT240020** Accept order upon receipt.
- 2. Case for Closure Due to Non-Responsiveness – MT240018**

Rescind referral to Legal Services, close the case and deny application for licensure for failure to respond and failure to disclose arrest history.

- 3. Case for Reconsideration – MT230053** Uphold previous decision to deny.

Investigative Committee Summary Report – P. Nichols

- MT220166** Refer to the Attorney General's Office for a Memorandum of Advice upon receipt of requested documentation.

MT210098 Close the case with a Letter of Concern regarding draping.
MT220099 Schedule an Investigative Interview as discussed.
MT230024 Schedule an Investigative Interview as discussed.
MT230127 Schedule an Investigative Interview as discussed.

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

Miscellaneous Executive Discussion

1. FSMTB – Invalidated MBLEx Results_11.7.2023

Ms. Nichols motioned, Mr. Nichols seconded, and the Board voted unanimously in favor of the motion that if any of the persons listed in this report hold a license in the state of Georgis, refer to the Attorney General's Office for a hearing for revocation or voluntary surrender based upon OCGA § 43-1-19(a)(2).

2. MT230029

Mr. Nichols motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion to refer all case information involving this Respondent to the Attorney General's Office for legal advice concerning revocation of the license.

Applications for Board 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 3123741 Refer to Legal Services for a Public Consent Agreement for Licensure with a reprimand and fine of \$500.00 for unlicensed practice from 8/2022 until present, and failure to disclose the arrest. Fine must be paid prior to the issuance of the license and flag for CE Audit. Notify the local municipality of violations of O.C.G.A. § 43-1-19(a)(7) for aiding and abetting unlicensed practice and O.C.G.A. § 36-60-6(c) on the basis that the general manager of the location is not a licensed massage therapist.

Applicant 4005997 Refer to Legal Services for a Public Consent Agreement for Licensure with a reprimand and fine of \$500.00 for failure to disclose an arrest. Fine due prior to license being issued. Flag for CE Audit.

Applicant 4005549 Refer to Legal Services for a Public Consent Agreement with a reprimand and fine of \$500 for failure to disclose arrest on application for license. Fine must be paid in full before license will be issued. Flag for CE Audit.

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:

Massage Therapy Education Programs

Application 4004194 Table pending additional information.

Transcript Review

Applicant 4001697 Table pending additional information.

Applicant 3123197 Deny based on failure to meet education requirements [BR 345-08-.03(6)(a)].

Applicant 3120618 Deny based on failure to meet education requirements [BR 345-3-.02(1)(b)].

OPEN SESSION

Open Session Minutes

- 1. October 27, 2023 Open Session WebEx Meeting Minutes**
- 2. November 17, 2023 Open Session Investigative Committee WebEx Meeting Minutes**

Ms. Bone' motioned, Mr. Nichols seconded, and the Board voted unanimously in favor of the motion to approve the October 27, 2023 Open Session WebEx Meeting minutes and the November 17, 2023 Open Session Investigative Committee WebEx Meeting Minutes as presented.

Licenses to Ratify: October 20, 2023 – November 24, 2023

Mr. Nichols 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 – Inquiry RE Increase in Minimum Clock Hour Requirement

- 1. Pat Neri, Program Manager, NPEC**
- 2. Request to Increase Clock Hour Requirement_Elaine Sterling, The Elaine Sterling Institute**

The Board accepts the correspondence in reference to the Department of Education Increase in Minimum Clock Hour Requirement, as information and accepts the response provided by the Executive Director.

Discussion – Associated Bodywork & Massage Professionals (ABMP)

- 1. Massage School Programs at Risk Across the Country**
- 2. USDE Office of Postsecondary Education - Final Rules and Regulations**

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

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

- 1. 11-01-23 Approved Provider Disciplinary Actions by State**
- 2. 11-01-23 Certificant Disciplinary Actions by State**
- 3. 11-01-23 School Compliance Report**
- 4. 12-01-23 Approved Provider Disciplinary Actions by State**
- 5. 12-01-23 Certificant Disciplinary Actions by State**
- 6. 12-01-23 School Compliance Report**

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

Federation of State Massage Therapy Boards (FSMTB)

- 1. In Touch E-Newsletter_November 2023**
- 2. In Touch E-Newsletter_December 2023**
- 3. Department of Education Revokes 150 Percent Rule for Title IV Funding Eligibility**

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

Discussion – CE Broker

- 1. Updates to Board Suite**
- 2. Thank you**

3. CE Broker Monthly Report_MT - November 2023

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

Petition for Rule Variance

1. BR 345-3-.02(2)(c) Devon M Speed

Ms. Bone' motioned, Mr. Nichols seconded, and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 345-3-.02(2)(c) based on operation of law.

Petitions for Rule Waiver

1. BR 345-8-.03(6)(b) Lanlan Jiang

Ms. Nichols motioned, Mr. Nichols seconded, and the Board voted unanimously in favor of the motion to grant the petition to waive BR 345-8-.03(6)(b) based on sufficient evidence to substantiate a substantial hardship.

2. BR 345-4-.05 Jessica Middleton Jensen

Mr. Nichols motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion to grant the petition to waive of BR 345-4-.02 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:

- PLB Updates
- Rules Hearing
- MTLD

Ms. Bone' 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

No formal report was presented. Mr. Knowles shared his gratitude to the staff and fellow Board members for their dedication and hard work.

Adjournment With no further business to be discussed, the meeting was adjourned at 3:44 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: **January 19, 2024**

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR