

**GEORGIA BOARD OF MASSAGE THERAPY
MINUTES OF BOARD MEETING
October 20, 2006**

The Georgia Board of Massage Therapy Board meeting was held on October 20, 2006, 9:00am, at The Professional Licensing Boards division offices located at 237 Coliseum Drive, Macon, Georgia.

The following members were present:

Steve Earles
Jane H. Johnson
Kathy V. Lescak
Melony Phillips

Absent: Marlene Gaskill

Administrative Staff Present:

Brig Zimmerman, Executive Director, Amanda Allen, Board Secretary, Serena Gadson, Application Specialist II, Janet Wray, Attorney Generals. Office.

Guests:

Madison Gray, LMT from the Georgia Medical Massage Group

Ms. Johnson established that a quorum of the Board was present and called the Board meeting to order at 9:02 a.m.

Agenda:

Ms. Phillips moved, Ms. Lescak seconded and the Board approved the Agenda with the late items added.

Minutes:

Mr. Earles moved, Ms. Lescak seconded and the Board voted to approve the minutes from the September 20, 2006, meeting with corrections.

Announcements:

No announcements to report.

Executive Director Reports:

► Correspondence from Mr. Dustin Graham was reviewed. Board requested that the administrative staff respond back to Mr. Graham's interest in Rule 345-3-1. Correspondence should state that the Board reviewed and revised the rule. Mr. Graham also wanted the Board to revise having the references notarized before an applicant submits their application for approval. Correspondence should also show that the Board voted that having the references notarized prior to submitting the application for approval still stands as is.

- ▶ The Massage Therapy biennium license renewal date has been scheduled for October 31, of every even numbered year, beginning in 2008.
- ▶ Mr. Zimmerman received two applications from schools requesting approval of their massage therapy education programs and exams.
- ▶ Board requested Application for Licensure to be amended to reflect the name and location of each school instructor on the reference form.

Continued Rule Discussion:

The Board continued their discussion/development of rules and forms.

The Assistant Attorney General, Ms. Wray, suggested updated language for Rule 345-3-.01 (1) (a) regarding references and the length of time required for students who have recently graduated that apply for licensure.

Ms. Phillips moved, Mr. Earles seconded and the Board voted to re-post the proposed chapter with revisions as follows:

**NOTICE OF INTENT TO ADOPT A PROPOSED
CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES CHAPTER
345-3, APPLICATIONS
AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes a chapter for the Georgia Board of Massage Therapy Rules, Chapter 345-3, Applications (herein after "proposed chapter adoption").

This notice, together with an exact copy of the proposed chapter and a synopsis of the proposed chapter, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed chapter, and a synopsis of the proposed chapter may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:15 a.m. on November 30, 2006, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome.

Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on November 23, 2006. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed chapter for adoption at a meeting scheduled to begin at 9:35 a.m. on November 30, 2006 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority for the proposed chapter adoption pursuant to authority contained in O.C.G.A. §§ 43-1-19, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on October 20, 2006 the Georgia Board of Massage Therapy voted that the formulation and adoption of this chapter does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed chapter cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 43-1-19, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the _____ day of _____, 2006.

Mollie L. Fleeman
Division Director
Professional Licensing Boards Division

Posted: _____

**SYNOPSIS OF PROPOSED CHAPTER TO THE
GEORGIA BOARD OF MASSAGE THERAPY RULES
CHAPTER 345-3, APPLICATIONS.**

PURPOSE: The purpose of the proposed chapter is to define the application requirements of the Board pursuant to O.C.G.A. §§ 43-1-19, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

MAIN FEATURES: The main feature of the proposed chapter is to define the eligibility requirements of applicants and the applications of the Board.

**THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY,
CHAPTER 345-3, APPLICATIONS.**

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

Chapter 345-3 APPLICATIONS

Table of Contents

345-3-.01 Application for Licensure Prior to July 1, 2007

345-3.01 Application for Licensure Prior to July 1, 2007

(1). The applicant for licensure as a massage therapist shall submit an application on a form approved by the Board. In addition to the information called for on the form, the applicant must also submit the following:

(a). Three (3) References: Two (2) professional references from practicing massage therapists or instructors from a massage therapy program and one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the professional references must have known the applicant for only a minimum of six (6) months.

(b). Photograph of the applicant. Only a passport type (3X3) photo taken within the past twelve months will be accepted;

(c). Authorization to perform a criminal background check;

(d). The proper fee – see fee schedule;

(e). Verification of having met **one** of the following requirements:

1. Official transcript showing successful completion of a minimum of 500 hours of course and clinical work in massage therapy from a Board recognized educational program; or
2. Official verification from the NCBTMB showing applicant has passed the National Certification Exam for Therapeutic Massage (NCETM) or the National Certification Exam for Therapeutic Massage & Bodywork (NCETMB); or
3. Official verification from another state or jurisdiction that applicant has passed a massage therapy licensing examination (such state or jurisdiction must have license requirements that meet or exceed the licensing requirements for a massage therapist in the state of Georgia); or
4. Official authorization from the NCBTMB to sit for the NCETM/NCETMB; or
5. Official transcript showing graduation from an established state-licensed school for massage therapy indicating a minimum of 500 hours of in-class supervised instruction as follows:
 - a. **Enrolled in school prior to June 1, 2005:** 100 in-class clock hours of anatomy/physiology, 200 in-class clock hours in massage therapy and application and 2 in-class hours in ethics, or
 - b. **Enrolled in school on or after June 1, 2005:** 125 hours of in-class, supervised instruction in the body's systems and anatomy, physiology and kinesiology; 200 hours of in-class, supervised instruction in massage and bodywork assessment, theory and application; 40 hours of in-class, supervised instruction in pathology; 10 hours of in-class instruction in business and ethics (a minimum of 6 hours of ethics) and 125 hours of additional in-class, supervised instruction in an area or related field that theoretically completes your massage program of study; or
6. Official verification from another state or jurisdiction that the applicant holds an active license to practice massage therapy in such other state or jurisdiction (such other state or jurisdiction must have license requirements that meet or exceed the licensing requirements for a massage therapist in the state of Georgia); or
7. Official verification from a professional massage therapy association that indicates the years of membership, as a massage therapist, by the applicant (applicant must show a minimum of one year of membership prior to the date of application) and the date the professional association was established (such association must be established no later than December 31, 2001), and, includes a copy of the professional association's code of ethics; or
8. Official copy from a local government in the state of Georgia of a business license (prior to July 1, 2005) for the practice of massage therapy (if the applicant is an employee of the business, the applicant must also submit official verification from the employer of employment status), and, a copy of Georgia state income tax return, W2 form(s) or form(s) 1099 for a tax year prior to July 1, 2005 showing income as a massage therapist; or
9. Official transcript showing from an established state-licensed school for massage therapy indicating a minimum of 100 hours of in-class supervised instruction to include massage therapy theory, technique and practice, **and** original appointment book(s) or invoices for massage therapy appointments for ten (10) years preceding the date of application (must indicate hours of service on a weekly basis), **and** copies of income tax returns, W2 form(s), or form(s) 1099 for the ten (10) year period preceding the date of application showing income as a massage therapist; or

10. Official transcript showing from an established state-licensed school for massage therapy indicating a minimum of 200 hours of in-class supervised instruction to include massage therapy theory, technique and practice, **and** original appointment book(s) or invoices for massage therapy appointments for five (5) years preceding the date of application, **and** copies of income tax returns, W2 form(s), or form(s) 1099 for the five (5) year period preceding the date of application showing income as a massage therapist.

11. The Board may deny a license for any of the reasons set forth in O.C.G.A § 43-1-19

12. The Board may request additional verification of any requirements or credentials, as it may deem necessary.

Authority O.C.G.A. § §§ 43-1-19, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

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Ms. Phillips motioned, Mr. Earles seconded and the Board voted to post the Notice of Intent to Adopt the proposed Chapters 345-1, 345-4, 345-5 and 345-6 Reserved Chapter as follows:

**NOTICE OF INTENT TO ADOPT PROPOSED
RESERVED CHAPTERS TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES
CHAPTERS 345-1, 345-4, 345-5, and 345-6
AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter "Board") proposes reserving of chapters for the Georgia Board of Massage Therapy Rules, Chapters 345-1, 345-4, 345-5 and 345-6 (herein after "proposed chapters adoption").

This notice, together with an exact copy of the proposed reserved chapters and a synopsis of the proposed reserved chapters, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed reserved chapters, and a synopsis of the proposed reserved chapters may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:25 a.m. on November 30, 2006, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed chapter.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on November 23, 2006. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed reserved chapters for adoption at a meeting scheduled to begin at 9:45 a.m. on November 30, 2006 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority for the proposed reserved chapters adoption pursuant to authority contained in O.C.G.A. §§ 50-13-3.

At its meeting on October 20, 2006 the Georgia Board of Massage Therapy voted that the formulation and adoption of these reserved chapters does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed reserved chapters cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 50-13-3.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. § 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a) (3) (A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the _____ day of _____, 2006.

Mollie L. Fleeman
Division Director
Professional Licensing Boards Division

Posted: _____

**SYNOPSIS OF PROPOSED RESERVED CHAPTERS TO THE
GEORGIA BOARD OF MASSAGE THERAPY RULES
CHAPTERS 345-1, 345-4, 345-5, and 345-6.**

PURPOSE: The purpose of the proposed reserved chapters is to allow for future chapters to be named, posted and adopted at a later date to be determined, in accordance with O.C.G.A. § 50-13-3

MAIN FEATURES: The main feature of the proposed reserved chapters is to allow the Board time for development of their rules, keeping them in sequential order.

**THE PROPOSED RESERVED CHAPTERS TO THE GEORGIA BOARD OF MASSAGE
THERAPY, CHAPTERS 345-1, 345-4, 345-5, and 345-6.**

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

Chapter 345-1 Reserved

Chapter 345-4 Reserved

Chapter 345-5 Reserved

Chapter 345-6 Reserved

Authority O.C.G.A. § 50-13-3

Additional Comments and items discussed:

The following definition on official verification will be placed under the Frequently Asked Questions Section on the website.

(1) Official Verification:

What constitutes as official verification or documentation?

Official verification or documentation must include the following to be accepted by the Board.

- On official association or entity letterhead; and:
- Contain the original signature of the association or entity official representative and the “raised seal” of the association or entity; or,

- Original, notarized signature of association or entity official representative and the raised seal if available.

(2) Public Flyer Announcement:

Ms. Johnson distributed a flyer that is currently being circulated in the Metro Atlanta area regarding the city's policy of denying any individual diagnosed as being positive for HIV (Human Immunodeficiency Virus) or AIDS (Auto Immune Deficiency Syndrome) from obtaining a license to practice Massage Therapy.

Board discussed the development of a policy or rule regarding applicants that are proven to have been diagnosed with HIV/AIDS. At the suggestion of the Assistant Attorney General, Ms. Wray, the topic should be tabled until after we begin to issue licenses' and only if the concern is addressed before the Board. Ms. Wray also suggested that the Board consider the language written in the policy or rule that is developed with regard to the Center for Disease Control and Prevention guidelines on all communicable diseases.

(3) Non-Public Post Secondary Education Commission (NPEC)

Ms. Phillips requested that the Board consider Mr. Zimmerman notifying, in writing, the Director of NPEC that the Massage Therapy Board will welcome any assistance the NPEC can lend them in directing schools to the Massage Therapy Board website and to the application for consideration by the Board for approval of a schools massage therapy program.

Ms. Phillips motioned, Ms. Lescak motioned and the Board voted to have Mr. Zimmerman contact the NPEC Director on behalf of the Massage Therapy Board.

(4) Board Recognized Massage Therapy Education Program Requirements and Examinations.

Mr. Zimmerman acknowledged the receipt of two school applications offering Massage Therapy Education Programs for consideration by the Board for approval of their curriculum, and in addition, approval of their school exams.

The Board proposed Chapter 345-8 will outline the requirements for any program to submit their documentation of their curriculums to the Board for consideration. Assistant Attorney General, Ms. Wray, stated that the proposed rule needed modifying. She suggested that the Board remove the current proposed chapter 345-8 posted on the website and re-visit the proposed chapter at the next scheduled Board meeting.

In addition, Ms. Wray, suggested that the Board also table any discussion regarding the examinations until additional research is received from the Secretary of State Professional Licensing Board Testing and Development Center Director, Mr. Femi Ajayi, who currently serves as a subject matter expert. At this time, Mr. Ajayi, should be able to provide to the Board any information on what they as a Board should look for in an exam's course outline.

Ms. Phillips motioned, Mr. Earles seconded and the Board voted to table any discussion of approved Massage Therapy Education Programs and Examinations for subsequent Board meetings.

(5) Request for Appearance Before the Board

Assistant Attorney General, Ms. Wray, explained to the Massage Therapy Board and the administrative staff that anyone may request to address the Board and, it is at the Board's discretion, whether to grant the appearance, with certain exceptions of (denied applications, disciplinary actions or appeals of a hearing decision, etc).

There being no additional business to discuss, Ms. Lescak moved, Mr. Earles seconded, and the Board voted to adjourn today's meeting at 2:50 p.m.

Minutes recorded by: Amanda Allen, Board Secretary
Minutes reviewed and edited by: Brig Zimmerman, Executive Director

Jane H. Johnson, Chair

Brig Zimmerman, Executive Director
Professional Licensing Boards Division

These minutes were approved and signed on: _____.