

**GEORGIA BOARD OF MASSAGE THERAPY
MINUTES OF BOARD MEETING
June 29, 2007**

The Georgia Board of Massage Therapy board meeting was held on June 29, 2007, 09:00 a.m., at The Professional Licensing Boards Division offices located at 237 Coliseum Drive, Macon, Georgia.

The following members were present:

Jane H. Johnson, Chairman
Kathy V. Lescak, Vice Chairman
Melony Phillips, Cognizant
Marlene Gaskill, Consumer Member
Steve Earles

Absent:

Administrative Staff Present:

Brig Zimmerman, Executive Director, Serena Gadson, Application Specialist II, Becky Adams, Assistant Attorney General (via video-conference) and Amanda Allen, Board Secretary.

Guest Attendees:

Donna Miller, Everest Institute
Norm Klemmer, Massage Envy
David Brown, Everest Institute
Everest Institute- Forty-One (41) Massage Therapy Students, along with two (2) Instructors-Public Guest Attendee Roster will be maintained on file

Ms. Johnson established that a quorum of the Board was present and called the Board meeting to order at 9:15 a.m.

Ms. Phillips moved and Ms. Lescak seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 50-14-2 (1) O.C.G.A. § 43-1-2(k) (1) (2) to receive information pertaining to Applications and to receive the Attorney General's report. Voting in favor of the motion were those present who included Board members Phillips, Earles, Lescak, and Johnson. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Each Board Member introduced them self to the guest in attendance and detailed their role on the Board.

Mr. Zimmerman informed all attendees from Everest Institute (formally GMI) that all four school campuses had been approved as Board Recognized Massage Therapy Educational Programs.

Agenda:

Mr. Earles moved, Ms. Lescak seconded, and the Board voted to approve the agenda with late items added. None opposed, Motion carried.

Announcements:

No announcements

Public Rules Hearing:

345-1- Definitions; 345-3-.02 Application for Licensure Post July 01, 2007; 345-4- Licensure Renewal, Continuing Education, Inactive Status and Reinstatement of License; 345-5, Licensure by Endorsement; 345-6, Licensure by Reciprocity; 345-9, Exemptions from Licensure, 345-10, Discipline.

Mr. Zimmerman provided an overview of the “rules process” to the guests in attendance.

The Board voted that the formulation and adoption of these rules 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 applicable laws.

The Board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3) (A) (B) (C) (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Massage Therapy.

NOTICE OF INTENT TO ADOPT A PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES: CHAPTER 345-1 DEFINITIONS 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 345-1, Definitions (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 9:30 am on June 29, 2007, 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 concise and will be limited to five (5) minutes per person. 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 June 22, 2007. Written comments should be addressed to Don Munday, Acting 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 10:40 am on June 29, 2007 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 to adopt a proposed Chapter 345-1 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on May 16, 2007 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. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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 22nd day of May, 2007.

Donald W. Munday
Acting Division Director
Professional Licensing Boards Division

SYNOPSIS OF PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-1 DEFINITIONS.

PURPOSE: The purpose of the proposed chapter is to define terms as used in these Rules, Policies, Regulations and the Massage Therapy Act, O.C.G. A. § 43-24A.

MAIN FEATURES: The main feature of the proposed chapter is to define terms.

THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-1 DEFINITIONS.

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

Chapter 345-1 Definitions.

Table of Contents

345-1-.01 Definitions.

345-1-.01 Definitions.

(1) Applicant – Any person seeking licensure under this chapter.

(2) Board – The Georgia Board of Massage Therapy established by this chapter (hereafter: “Board”).

(3) License – A valid and current certificate of registration issued by the Board.

(4) Licensee – any person holding a license.

(5) Massage Therapist – any person who administers massage or massage therapy for compensation.

(6) Massage Therapy – See O.C.G.A. § 43-24A-3.

(7) Supervision – For purposes of this chapter "supervised" means the supervisor is physically on-site, qualified and immediately available.

(8) NCBTMB - National Certification Board for Therapeutic Massage & Bodywork.

(9) NCETM Exam – National Certification Exam for Therapeutic Massage.

(10) NCETMB Exam – National Certification Exam for Therapeutic Massage & Bodywork.

(11) Approved Provider (of Continuing Education hours) means one that holds the designation of “Approved Provider for Continuing Education” by the NCBTMB, or other CE provider approved by the board.

(12) Sexually Oriented Business – For the purposes of the board rules, sexually oriented business shall mean, not inclusively or limited to, a sex parlor, massage parlor, adult bookstore, adult movie theater, adult video store, adult motel, spa alluding to sexual content or services or other commercial business which offer items or services to provide sexual stimulation or gratification to the public.

(13) Clock Hour – one “clock hour” of continuing education refers to at least fifty (50) minutes of any one clock hour during which a student participates in a learning activity in the physical presence of an instructor, or in a distance learning activity designed by an approved provider.

(14) Advertise – for the purposes of this chapter of the Board rules, “advertise” shall mean, but is not limited to, any issuance or distribution of any card, sign or other device, or, any allowance or permission of the issuance or distribution of any card, sign or other device to any form of media or placement in any physical entity.

AUTHORITY: O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Mr. Zimmerman explained the rule to the public attendee’s. Ms. Johnson asked if anyone had any questions or concerns. No questions or concerns were addressed by the guest attendee’s.

Mr. Earles moved, Ms. Lescak seconded and the Board voted to adopt rule 345-1 Definitions as proposed. None opposed, Motion carried.

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NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-3 APPLICATIONS, RULE 345-3-.02 APPLICATION FOR LICENSURE POST JULY 1, 2007, 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 an amendment to 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 rule amendment and a synopsis of the proposed rule amendment, 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 rule amendment, and a synopsis of the proposed rule amendment 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 9:40 am on June 29, 2007, 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 rule amendment.

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 concise and will be limited to five (5) minutes per person. 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 June 22, 2007. Written comments should be addressed to Don Munday, Acting 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 rule amendment for adoption at a meeting scheduled to begin at 10:50 am on June 29, 2007 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 to adopt a proposed rule 345-3-.02 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on 16, 2007 the Georgia Board of Massage Therapy voted 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 rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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 rule 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 22nd day of May, 2007.

Donald W. Munday
Acting Division Director
Professional Licensing Boards Division

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

PURPOSE: The purpose of the proposed rule amendment is to define the application requirements of the Board for applications post July 1, 2007 pursuant to O.C.G.A. § 43-24A.

MAIN FEATURES: The main feature of the proposed rule amendment is to define the eligibility requirements of applicants post July 1, 2007.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENT TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-3, APPLICATIONS. AMENDED.; RULE 345-3-.02 APPLICATION FOR LICENSURE POST JULY 1, 2007

THE PROPOSED RULE AMENDMENT TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-3- APPLICATIONS. AMENDED.

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

Chapter 345-3 APPLICATIONS. AMENDED.

Table of Contents:

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

345-3-.02 Application for Licensure Post July 1, 2007

345-3-.02 Application for Licensure Post July 1, 2007

(1) The applicant for licensure as a massage therapist shall submit an application on a form approved by the Board, and evidence satisfactory to the Board that the applicant:

(a) is at least 18 years of age; and

(b) has a high school diploma, GED, or recognized equivalent; and

(c) is a citizen of the United States or a permanent resident of the United States.

(2) 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 licensed healthcare professionals 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 licensed professional references or instructors must have known the applicant for only a minimum of six (6) months; and

(b) photograph of the applicant. Only a passport type (3"X 3") photo taken within the past twelve months will be accepted; and

(c) authorization to perform a criminal background check; and

(d) the proper fee – see fee schedule; and

(e) official school transcript, in original sealed envelope , by the applicant’s school or program, of successful completion (graduation) of a board-recognized massage therapy education program consisting of a minimum of five-hundred (500) hours of course and clinical work in accordance with Board rule 345-8; and

(f) 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 an exam deemed equivalent or equal to the NCE exam by the Board.

Authority O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3

Mr. Zimmerman explained the rule to the public attendee’s. Ms. Johnson asked if anyone had any questions or concerns. No questions or concerns were addressed by the guest attendee’s.

Mr. Earles moved, Ms. Lescak seconded and the Board voted to adopt rule 345-3 Application for Licensure Post July 01, 2007 as proposed. None opposed, Motion carried.

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NOTICE OF INTENT TO ADOPT A PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES: CHAPTER 345-4 LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE, 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 345-4 License Renewal, Continuing Education, Inactive Status and Reinstatement of License (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 9:50 am on June 29, 2007, 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 concise and will be limited to five (5) minutes per person. 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 June 22, 2007. Written comments should be addressed to Don Munday, Acting 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 11:00 am on June 29, 2007 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 to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3

At its meeting on May 16, 2007 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. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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.G.C.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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 22nd day of May, 2007.

Donald W. Munday
Acting Division Director
Professional Licensing Boards Division

SYNOPSIS OF PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-4 LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE.

PURPOSE: The purpose of the proposed chapter is to provide the requirements for the renewal, continuing education hour requirements, inactive status and reinstatement of a license.

MAIN FEATURES: The main feature of the proposed chapter is to provide the guidelines for license renewal, reinstatement, request for Inactive Status and continuing education hours to licensees and applicants.

THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-4 LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE.

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

345-4 License Renewal, Continuing Education, Inactive Status and Reinstatement of License.

345-4-.01 License Renewal

345-4-.02 Continuing Education Hours

345-4-.03 CE Providers Seeking Board Approval

345-4-.04 Inactive Status

345-4-.05 Reinstatement of License

345-4-.01 License Renewal

(1) Licenses issued by the Board shall expire on October 31st of every even numbered year.

(2) Each person holding a valid license to practice massage therapy who does not renew said license by October 31st of every even numbered year shall be afforded a late renewal for a period of ninety (90) days. Late renewals shall be processed after filing the renewal form, payment of the renewal fee and late renewal penalty fee, and, providing proof of the required twenty-four (24) hours of continuing education. Individuals **must not practice** as a massage therapist during this late renewal period until the board grants the renewal. Practice without a current, active license in Georgia is prohibited.

(3) Any service member as defined in O.C.G.A. § 43-1-31 whose license to practice Massage Therapy expired while serving on active duty outside the state shall be permitted to practice massage therapy, shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his/her discharge from active duty or reassignment to a location within the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

(4) Following the late renewal time period, all non-renewed licenses will be revoked by operation of law for non-renewal, and will require reinstatement at the discretion of the Board.

345-4-.02 Continuing Education Hours

(1) Every massage therapist licensed pursuant to this chapter shall be required to complete a minimum of twenty-four (24) continuing education (CE) hours related to the practice of massage therapy as a condition for renewing his or her license for each biennium renewal expiration date except as otherwise provided for in this chapter.

(2) A listing of courses and/or providers, not all inclusive, which have been pre-approved by the Board as acceptable course hours toward the continuing education requirements of the Board, may be available on the board's website or from the board office.

(3) The Board may consider a waiver or variance of the requirement of CE hours for licensees who can provide acceptable proof of a verifiable illness, disability or hardship that substantially affected their ability to obtain the required CE hours during the prior biennium renewal period through submission to the board of a completed, signed waiver/variance request form *prior* to the biennium renewal expiration date of October 31st of every even numbered year.

(4) An applicant who is licensed **during the second year** of the biennium renewal period shall only be required to provide 12 hours of continuing education (CE) hours for that renewal period.

(5) An applicant having graduated from a Board recognized approved massage therapy education program within one year of their application date shall be exempt from continuing education requirements for their initial biennium renewal period only.

(6) An applicant for reinstatement must show along with their completed application that they have taken the required twenty-four (24) hours of continuing education within one (1) year of the date of their reinstatement application to the board.

(7) Each licensed massage therapist shall maintain records of attendance and supporting documents for continuing education for a period of three (3) years from the date of attendance.

345-4-.03 Continuing Education Providers seeking Board approval

(1) The Board may consider additions to the (not inclusive) listed approved continuing education courses and/or providers from a licensee or provider if pre-approval is requested and justified by

the Board, provided the following supporting documentation for approval of a non-listed course/provider is submitted to the Board:

(a) from a licensee: a program description, program objectives, detailed time schedule, speakers' names and qualifications and a sample of the certificate or proof of attendance. The licensee shall identify a contact person, sponsoring person or agency, program title, location, date, target audience, type of program and number of contact hours requested, or;

(b) from a provider: submission of an "Application for Approval of Continuing Education Program" by the Georgia Board of Massage Therapy and submit a program description, program objectives, detailed time schedule, speakers' names and qualifications and a sample of the certificate or proof of attendance. The provider shall identify a contact person, sponsoring person or agency, program title, location, date, target audience, type of program and number of contact hours requested.

(c) Upon review of the information received from a licensee or a completed application from an interested provider, the Board shall notify the licensee/provider of approval or denial, and the number of approved contact hours if approved. The Board shall make information about approved programs available to all licensees.

(d) All requests for pre-approval of continuing education course hours must be submitted to the board administrative staff sixty (60) or more days *prior* to the scheduled event.

(2) Reporting and Auditing: The method of reporting and auditing continuing education shall be:

(a) At the time of license renewal, each massage therapist shall certify to the Board that he/she has completed the continuing educational hours required for license renewal.

(b) The staff of the Professional Licensing Boards shall randomly audit a percentage, determined by the Board, of active licensees for compliance with continuing education requirements. Documentation of continuing education which the Board deems as acceptable proof or verification of completion shall include, but is not limited to, the following:

1. For continuing education courses that include attendance and participation at a presentation such as a workshop, seminar, conference or in-service educational program, a certificate of completion or similar documentation, including your massage therapy license number and the providers CEU Number, signed by program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule;

2. Lectures and Multi-Media courses: For lectures, a certificate of completion or similar documentation, including your massage therapy license number and the providers CEU Number, signed by program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule. Multi-Media courses shall require the successful completion and submission of a written post experience examination to evaluate material retention. Multi-Media courses include, but are not limited to, audio, audiovisual, closed circuit television, and the internet;

3. Correspondence Courses: A certificate of completion or similar documentation, including your massage therapy license number and the providers CEU Number signed by program official and a

program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule;

4. Formal self study, viewing of videotapes in a professional setting, satellite broadcasts, or computer learning activities must include:

(i) Verified instructional time by the course sponsor; a certificate of completion or similar documentation signed by program official; and

(ii) A program description including sponsor, course title, date, program objective/learning outcomes, content description.

345-4-.04 Inactive Status

(1) Licensees may request in writing to the Board that their active license to practice as a massage therapist in Georgia be placed on inactive status.

(2) An individual whose license status is inactive shall not practice as a massage therapist within the state of Georgia.

(3) An individual whose license is under any sanction may not transfer to inactive status while the sanctions are in effect.

(4) Licensees shall request in writing to the Board for the reinstatement of their massage therapy license. The following requirements must be met:

(a) submission of an application provided by the Board including any applicable fee(s);

(b) submission of evidence of twelve (12) hours of Board approved continuing education **for each year or portion of a year** in which their license has been inactive.

(c) These hours must be completed during the one (1) year period preceding the date of application for reinstatement of the license;

345-4-.05 Reinstatement of a License

(1) Reinstatement of an expired or lapsed license is within the discretion of the Board.

(2) An applicant for reinstatement of a lapsed license must submit a completed application provided by the board, payment of the required fee and evidence satisfactory to the Board that the applicant:

(a) is at least 18 years of age; and

(b) has a high school diploma, GED, or recognized equivalent; and

(c) is a citizen of the United States or a permanent resident of the United States, and

(3) in addition, the following:

(a) photograph of the applicant. Only a passport type (3"X 3") photo taken within the past twelve months will be accepted; and

(b) authorization to perform a criminal background check; and

(c) submission of evidence of twelve (12) hours of Board approved continuing education **for each year or portion of a year** in which their license has been in expired or lapsed status. These hours must be completed during the one (1) year period preceding the date of application for reinstatement of the license; and

(d) three (3) references: Two (2) professional references from licensed professionals 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 licensed professional references or instructors must have known the applicant for only a minimum of six (6) months; and

(e) one of the following:

1. verification of current licensure, in good standing, from another jurisdiction, state, territory of the United States, or foreign country submitted directly to the Board from the issuing state regulatory and/or licensing board ; or

2. verification of active practice as a massage therapist by submitting documentation of active practice within the five (5) years immediately preceding the date of the reinstatement application on a form provided by or approved by the Board.

(f) The Board may impose any limits, sanctions, restrictions or other disciplinary actions as a condition of reinstatement it deems necessary.

(g) Additional verification of any requirements or credentials as the Board may deem necessary.

Authority: O.G.C.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Mr. Zimmerman explained the rule to the public attendee's. Ms. Johnson asked if anyone had any questions or concerns. No questions or concerns were addressed by the guest attendee's.

Mr. Earles moved, Ms. Lescak seconded and the Board voted to adopt rule 345-4 License Renewal, Continuing Education, Inactive Status and Reinstatement of License as proposed. None opposed, Motion carried.

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NOTICE OF INTENT TO ADOPT A PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES: CHAPTER 345-5 LICENSURE BY ENDORSEMENT, 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 345-5, Licensure by Endorsement (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 10:00 am on June 29, 2007, 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 concise and will be limited to five (5) minutes per person. 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 June 22, 2007. Written comments should be addressed to Don Munday, Acting 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 11:10 am on June 29, 2007 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 to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on May 16, 2007 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.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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 22nd day of May, 2007.

Donald W. Munday
Acting Division Director
Professional Licensing Boards Division

SYNOPSIS OF PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES: CHAPTER 345-5 LICENSURE BY ENDORSEMENT

PURPOSE: The purpose of the proposed chapter is to provide the guidelines for licensure by endorsement.

MAIN FEATURES: The main feature of the proposed chapter is the requirements for licensure by endorsement into the state of Georgia.

THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-5 LICENSURE BY ENDORSEMENT

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

Chapter 345-5 Licensure by Endorsement

Table of Contents

345-5-.01 Endorsement

345-5 Licensure by Endorsement

(1) Any applicant holding a current license, in good standing, as a massage therapist issued by another jurisdiction, state, or territory of the US or foreign country that is equal to or exceeds the Georgia licensure requirements, shall apply for licensure by endorsement by submitting an application on a form provided by the Board, accompanied by the appropriate fee (see fee schedule) and the following:

(a) verification that an applicant is at least 18 years of age; and

(b) three (3) references: two (2) professional references from licensed healthcare professionals 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 licensed professional references must have known the applicant for only a minimum of six (6) months; and

(c) authorization to perform a criminal background check; and

(d) one of the following:

1. Official verification of current licensure as a massage therapist, in good standing, from another jurisdiction, state, or territory of the United States or foreign country, including a copy of its

licensing laws for massage therapist, whose standards for licensure meet or exceed those required by Georgia; or

2. Current certification by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) or an equivalent certification (must be certification approved by the National Commission for Certifying Agencies).

(e) The Board may request additional verification of any requirements or credentials as it may deem necessary.

Authority: O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3

Mr. Zimmerman explained the rule to the public attendee's. Ms. Johnson asked if anyone had any questions or concerns. No questions or concerns were addressed by the guest attendee's.

Mr. Earles moved, Ms. Lescak seconded and the Board voted to adopt rule 345-5 Licensure by Endorsement. None opposed, Motioned carried.

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NOTICE OF INTENT TO ADOPT A PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES: CHAPTER 345-6 LICENSURE BY RECIPROCITY, 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 345-6, Licensure by Reciprocity (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 10:10 am on June 29, 2007, 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 concise and will be limited to five (5) minutes per person. 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 June 22, 2007. Written comments should be addressed to Don Munday, Acting 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 11:20 am on June 29, 2007 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 to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on May 4, 2007 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.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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 22nd day of May, 2007.

Donald W. Munday
Acting Division Director
Professional Licensing Boards Division

SYNOPSIS OF PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-6 LICENSURE BY RECIPROCITY

PURPOSE: The purpose of the proposed chapter is to provide guidelines for licensure by reciprocity.

MAIN FEATURES: The main feature of the proposed chapter is the requirements for licensure by reciprocity into the state of Georgia.

THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-6, LICENSURE BY RECIPROCITY

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

Chapter 345-6 Licensure by Reciprocity

Table of Contents

345-6-.01 Licensure by Reciprocity

345-6-.01 Licensure by Reciprocity

(1) Any applicant holding a current license, in good standing, as a massage therapist issued by another jurisdiction, state, or territory of the US or foreign country that is equivalent to the Georgia licensure requirements, shall apply for licensure by reciprocity by submitting an application on a form approved by the Board, accompanied by the appropriate fee (see fee schedule) and the following:

(a) verification that an applicant is at least 18 years of age; and

(b) three (3) references: two (2) professional references from licensed healthcare professionals 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; and

(c) authorization to perform a criminal background check; and

(d) official verification of current licensure as a massage therapist, in good standing, from another jurisdiction, state, or territory of the United States or foreign country, including a copy of its licensing laws for massage therapist, whose standards for licensure meet or exceed those required by Georgia.

(2) The Board may request additional verification of any requirements or credentials as it may deem necessary

Authority O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Mr. Zimmerman explained the rule to the public attendee’s. Ms. Johnson asked if anyone had any questions or concerns. No questions or concerns were addressed by the guest attendee’s.

Mr. Earles moved, Ms. Lescak seconded and the Board voted to adopt rule 345-6 Licensure by Reciprocity. None opposed, Motioned carried.

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NOTICE OF INTENT TO ADOPT A PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES: CHAPTER 345-9, EXEMPTIONS TO LICENSURE, 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 345-9, Exemptions to Licensure (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 10:20 am on June 29, 2007, 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 concise and will be limited to five (5) minutes per person. 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 June 22, 2007. Written comments should be addressed to Don Munday, Acting 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 11:30 am on June 29, 2007 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 to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on May 4, 2007 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.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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 22nd day of May, 2007.

Donald W. Munday
Acting Division Director
Professional Licensing Boards Division

SYNOPSIS OF PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-9 EXEMPTIONS TO LICENSURE

PURPOSE: The purpose of the proposed chapter is provide guidelines to exemptions from licensure under the Massage Therapy practice Act, O.C.G.A. § 43-24A.

MAIN FEATURES: The main feature of the proposed chapter is to provide an overview of the exemptions from licensure under the Georgia Massage Therapy Practice Act.

THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-9 EXEMPTIONS TO LICENSURE

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

Chapter 345- 9 – Exemptions from Licensure

Table of Contents

345-9-.01 Exemptions from Licensure

345-9-.01 Exemptions from Licensure

(1) “Massage Therapy” means the act or practice of employing structured touch, pressure, movement and holding to the soft tissue of the body of a natural person for the particular purpose of enhancing or helping to restore a natural persons health and well being. Please refer to O.C.G.A. § 43-24A-3(8) for the Georgia law defining massage therapy.

(2) The Massage Therapy Practice Act (O.C.G.A. § 43-24A) does not restrict or prevent the practice, services or activities of any natural person legally operating under the authority of other licensing laws in Georgia, provided that, the individual does not use the title of “Massage Therapist” unless such individual holds a massage therapy license issued by the Georgia Board of Massage Therapy.

(3) Only duly licensed massage therapists practicing in accordance with the Board rules and Georgia law may practice massage therapy in Georgia, or, use in connection with their own name or that of their business or employer, the terms massage, massage therapy, massage therapist, massage practitioner, or the letters M.T. or L.M.T. or any other representation either direct or indirect, indicating to the general public that massage therapy is provided or available. Such activities are prohibited unless the provider is an actively licensed massage therapist by the Georgia Board of Massage Therapy

(4) A nonresident person rendering massage therapy up to 60 days during a 12 month period for treatment of a temporary sojourner only provided such individual is properly and currently licensed or certified to practice massage therapy.

(5) A nonresident person who is properly and currently licensed or certified to practice massage therapy when in this state to provide service as part of an emergency response team working in conjunction with disaster relief officials or as part of a charity event .

Authority: O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

Mr. Zimmerman explained the rule to the public attendee's. Ms. Johnson asked if anyone had any questions or concerns. No questions or concerns were addressed by the guest attendee's.

Mr. Earles moved, Ms. Lescak seconded and the Board voted to adopt rule 345-9 Exemptions from Licensure. None opposed, Motion Carried.

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NOTICE OF INTENT TO ADOPT A PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES: CHAPTER 345-10 DISCIPLINE 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 345-10, Discipline (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 10:30 am on June 29, 2007, 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 concise and will be limited to five (5) minutes per person. 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 June 22, 2007. Written comments should be addressed to Don Munday, Acting 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 11:40 am on June 29, 2007 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 to adopt a proposed Chapter 345-8 pursuant to authority contained in O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3.

At its meeting on May 16, 2007 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.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 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 22nd day of May, 2007.

Donald W. Munday
Acting Division Director
Professional Licensing Boards Division

SYNOPSIS OF PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-10 DISCIPLINE

PURPOSE: The purpose of the proposed chapter is to provide the guidelines for disciplinary action(s) imposed upon licensees by the Board.

MAIN FEATURES: The main feature of the proposed chapter is to set forth the general guidelines with regard to disciplinary actions considered by the Board for active licensees.

THE PROPOSED CHAPTER TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES, CHAPTER 345-10 DISCIPLINE

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

Chapter 345-10 Discipline

345-10-.01 General Provisions

345-10-.02 Display of License

345-10-.03 Advertising

345-10-.04 Unlicensed Practice

345-10-.01 General Provisions

(1) Upon finding that a violation has occurred, in accordance with O.C.G.A. § 43-1-19 and 43-24A-7, the Board has the authority to refuse to grant a license to a person, revoke the license of a

person licensed by the Board, discipline or sanction a person licensed by the Board, or, refuse to renew a license.

(2) In addition, the Board may impose any or all, but not limited to, the following:

(a) Public or Private Reprimand;

(b) Letter of Concern;

(c) Imposition of Fine(s);

(d) Period of Probation;

(e) Cease and Desist Order;

(f) Any other action the Board may deem appropriate, up to and including possible suspension and/or revocation of your professional license.

(3) The Board may consider each violation as a separate violation and impose a fine of not more than \$500 for each convicted offense, \$1000 per subsequent conviction and/or possible imprisonment, in accordance with O.C.G.A. § 43-1-20 and 43-24A-24.

(4) Mitigating circumstances may be taken into account in varying the sanctions subject to the Board's discretion. Mitigating circumstances shall not include failure to notify the Board of an address change or failure to receive a renewal application or reminder notice.

345-10-.02 Display of License

All licensees shall display their license certificate, easily and readily available for anyone to observe, in *all* locations of the licensees practice as a massage therapist.

345-10-.03 Advertising

(1) It shall be considered a violation of the massage therapy practice act to:

(a) publicly misrepresent oneself to be a massage therapist in any form of advertisement unless the individual has an active, valid license issued by the Board to practice massage therapy in Georgia;

(b) advertise massage therapy services *in conjunction* with adult entertainment, escort or dating services;

(c) only duly licensed massage therapists practicing in accordance with the Board rules and Georgia law may practice massage therapy in Georgia, or, use in connection with their own name or that of their business or employer, the terms massage, massage therapy, massage therapist, massage practitioner, or the letters M.T. or L.M.T. or any other representation either direct or indirect, indicating to the general public that massage therapy is provided or available. Such activities are prohibited unless the provider is an actively licensed massage therapist by the Georgia Board of Massage Therapy.

345-10-.04 Unlicensed Practice

Fines, in addition to or in conjunction with a Cease and Desist Order, shall be imposed in accordance with the following guidelines:

(a) If the time period determined as "unlicensed practice" is:

- 0 – 30 days: \$100 fine with a letter of concern from the board
- 31 – 180 days: \$250 fine and/or C&D Order
- 181- 365 days: \$500 fine and/or C&D Order
- Over 365 days: Board to determine actions to be taken; fine of not more than \$500 per offense, \$1000 and/or possible imprisonment per subsequent or second offense, and a C&D Order may be imposed.

Authority: O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14 and 50-13-3

Mr. Zimmerman explained the rule to the public attendee’s. Ms. Johnson asked if anyone had any questions or concerns. No questions or concerns were addressed by the guest attendee’s.

Mr. Earles moved, Ms. Lescak seconded and the Board voted to adopt rule 345-10 Discipline. None opposed, Motion Carried.



At the conclusion of the public meeting, several of the Everest Institute students approached the Board Members and requested to know why we (the “Board”) had requested that they attend this scheduled Board meeting. Mr. Zimmerman informed the students that we (the “Board”) had not requested that they attend the meeting and the Board was not aware that they would be present.

Minutes:

Mr. Zimmerman requested that the Minutes from the June 01, 2007 Board meeting be tabled until the next scheduled meeting.

Mr. Earles moved, Ms. Lescak seconded and the Board voted to table the June 1, 2007 meeting minutes until the next scheduled meeting.

Correspondence:

1. Approval of a Massage Therapy Education program:

The Board discussed correspondence from an attorney for a Georgia cosmetology school requesting why approval of the schools (newly created) massage therapy education program had not been granted. Following discussion, the Board requested the administrative staff respond with the following:

The school has not applied for NPEC authorization to operate their massage therapy education program in the state. In addition, it is not known if the school has applied with NCBTMB for an assigned school code. Both of these “items”, if in place, assists the Board in making a decision regarding a school’s massage therapy education program. If not in place, then the program must satisfy the Board that their program meets or exceeds the baseline, minimum acceptable criteria for a recognized program pursuant to Board rule 345-8. To date, all requested verifications and documents have not been submitted by the school to the satisfaction of the Board for them to be able to approve or deny at this time.

2. Governor Perdue (Re: Mr. Gary Lescak, Martial Arts Academy, correspondence to the Governor forwarded to the Board via Secretary Handel for review and discussion):

The Board discussed at length the various comments and concerns expressed in the written correspondence to Governor Perdue. The Board members requested the record reflect that the Board discussed the matter and made the decision to provide a reply back to Secretary Handel. Mr. Zimmerman will prepare a response on behalf of the Board to convey to Secretary Handel that they are disappointed in the allegations and regret his opinion of the Board.

Mr. Earles moved, Ms. Phillips seconded and the Board voted to provide a letter of response to Secretary Handel regarding the concerns and comments directed at the Board in the correspondence forwarded to the Board.

Executive Director's Report

1. Secretary of State Handel, as a result of conversations with Board Chairs in a recent meeting, will be providing a "newsletter template" for review. Once finalized, the Boards will be asked to provide input for the newsletters. The newsletters will then be posted on the Board's web page.
2. Mr. Bill Crews, Executive Director of the Georgia Nonpublic Postsecondary Educational Committee (NPEC) will be glad to schedule a meeting with the Board to discuss Board Recognized Massage Therapy Educational Programs and the criteria for making the determination. ED Zimmerman to contact and schedule a date/time for the appearance before the Board.
3. The updated wording for the Board's home web page was presented to the Board reflecting the changes in the application process post June 30, 2007.

Mr. Earles moved, Ms. Phillips seconded and the Board voted to accept the revised wording for the web page.

4. The final version of the "Post July 01, 2007" application for licensure was presented to the Board. The application will be made available to the general public the morning of Monday, July 2, 2007. The "Pre July 1, 2007" application currently available will no longer be accepted after midnight, June 30, 2007.

Ms. Lescak moved, Mr. Earles seconded, and the Board voted to approve the revisions made to the Post July 01, 2007 Application for Licensure.

5. The Application for Reinstatement was presented to the Board. Application will be further revised and brought back to the Board for review at a later date.
6. A copy of all Board policies was distributed. It is requested that each Board member review them and be prepared to discuss any suggestions, corrections or additions at the next scheduled Board meeting.

Attorney General's Report:

Advice from the Assistant Attorney General, Ms. Rebecca Adams was received in closed session.

Ms. Marlene Gaskill, Consumer Member, informed the Board and Ms. Adams, AAG, that she has not been able to be as involved with this Board as she would like to have been due to personal reasons and the frequency of the initial meetings. However, she has never met or worked on a Board whose members were more competent than the ones who are now serving on the Massage Therapy Board.

Ms. Becky Adams, Assistant Attorney General, announced to the Board that this would be her official last day as the Attorney General's office representative to their Board. She will be working with another Board within the agency better suited to her knowledge and skill as an attorney. She stated that Ms. Janet Jackson, Assistant Attorney General would be representing the Board from this date forward.

Additional Business:

The scheduled appearance today before the Board, granted previously by the Board, from a school owner was canceled by the owner.

The Board voted to set the additional meeting dates of July 12th and August 3rd in addition to the established scheduled meeting dates as posted.

There being no additional business to discuss, Ms. Gaskill moved, Ms. Phillips seconded, and the Board voted to adjourn today's meeting at 3:34 p.m.

Minutes recorded by:

Amanda Allen, Board Secretary

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

Jane H. Johnson, Chair
Georgia State Board of Massage Therapy

Brig Zimmerman, Executive Director
Professional Licensing Boards Division

These minutes were approved and signed on: _____.