

# Georgia Board of Massage Therapy



## Position Statement: Amendments to the Georgia Massage Therapy Practice Act

There has been a substantial increase in reporting of incidences of deceptive and fraudulent representations, unlicensed practice, aiding and abetting unlicensed practice, unprofessional and unethical conduct, and unauthorized and unethical massage therapy programs relative to the practice of massage therapy, massage businesses and massage therapy educational programs. Based upon the increase in these incidences, many city and county governments within the state of Georgia capriciously implemented ordinances that levy large fees and arduous processes for massage therapists and massage therapy businesses that have not been levied against other healthcare professionals and their practices. After using a substantial amount of resources to investigate these incidences, the Georgia Board of Massage Therapy, hereafter referred to as the "Board," ultimately discovered that most cases involved the improper utilization of the professions that engage in the practice of various professions, modalities and techniques identified in subsections 5 through 8 of O.C.G.A. § 43-24A-19. Exceptions for massage therapy. For the purposes of the Board, the excepted professions and practices in subsections 5 through 8 of O.C.G.A. § 43-24A-19 will hereafter collectively be referred to as "bodywork therapy" or "bodywork therapists."

The outcry from massage therapists, local and city governments, law enforcement agencies, representatives from the United States Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) for the Board to act became immense. In response, the Board evaluated the reported incidences identified above and made the following conclusions:

- 1) The public is at risk of injury from practitioners who utilize modalities and techniques of massage therapy or bodywork therapy without adequate regulation, oversight and training;
- 2) Members of the public, particularly the immigrant population, are at a high risk for exploitation and vulnerable to criminal enterprises which have been established under the guise of legitimate massage therapy or bodywork therapy businesses and educational programs;

## Georgia Board of Massage Therapy

- 3) There is a negative economic impact to massage therapists and bodywork therapists, their businesses and the businesses which employ them, as well as the consumers as it relates to increased cost for services to offset inequitable fees;
- 4) There is a negative economic impact to students and legitimate massage therapy education programs and established bodywork education programs;
- 5) No statute or entity exists in the state of Georgia to regulate bodywork therapy and training to ensure the health, safety and welfare of the public;
- 6) The negative stigma associated with the massage therapy and bodywork therapy professions are perpetuated by conclusions 1-5 and if continues will do irreparable damage to the massage therapy and bodywork therapy professions, businesses and educational programs; and,
- 7) Amendments to the Georgia Massage Therapy Practice Act are required to improve upon the Georgia Board of Massage Therapy's ability to protect the health, safety and welfare of the public.

Based upon the conclusions noted above, the Board initiated a dialogue with the Office of Secretary of State, several legislators and the Georgia Chapter of the American Massage Therapy Association about making amendments to the Georgia Massage Therapy Practice Act that be prepared in the form of a bill to the Georgia Legislature. After receiving some input from the aforementioned groups and at the request of members of the general public, the Board voted to establish a Legislative Subcommittee to engage various stakeholders in the process of amending the Georgia Massage Therapy Practice Act. Additionally, the Board voted to include representatives from the Georgia Chapter of the American Massage Therapy Association (AMTA-GA), the Associated Bodywork & Massage Professionals (ABMP) and the International Association of Structural Integrators (IASI) as the Board felt that these organizations would include individuals who were knowledgeable about massage therapy and the various bodywork professions. The Board charged the Legislative Subcommittee to:

- 1) Review the Georgia Massage Therapy Practice Act and identify issues suitable for legislative review as it relates to the regulatory authority of the Georgia Board of Massage Therapy;
- 2) Gather and evaluate statutory language relative to the practice of massage therapy and the regulation and control of bodywork practitioners, massage therapy educational programs, bodywork educational programs, and massage therapy businesses; and,

## Georgia Board of Massage Therapy

- 3) Draft proposed amendments to the Georgia Massage Therapy Practice Act for review by the Board. The Board will then vote to release a statement of its position relevant to the submission of the draft to the Georgia General Assembly during the 2016-2017 Regular Session.

Secondary to the aforementioned charge, members of the Legislative Subcommittee were asked to be willing to further educate the general public, to include legislators, law enforcement, massage therapists and bodyworkers regarding any proposed legislative amendments. What arose out of the secondary charge, at the request of Legislative Subcommittee members and stakeholders, was the need to have individuals serve as liaisons to other bodywork professions. The Board opted for this approach rather than expand the number of groups on the Legislative Subcommittee to ensure that there would be little difficulty in establishing a quorum for meetings.

During the January 13, 2017 meeting, two different rough drafts of a bill to amend the Georgia Massage Therapy Practice Act were presented out of the work of the Legislative Subcommittee. After reviewing each version, correspondence from the public and engaging in a discussion with two members of the Legislative Subcommittee and members of the public, the Board voted to deliberate and release a position statement on the matter at a later date. The position of the Georgia Board of Massage Therapy is as follows:

*The Georgia Board of Massage Therapy entered a unanimous vote in favor of the presentation of a Bill to the Georgia General Assembly that amends the Georgia Massage Therapy Practice Act, O.C.G.A. § 43-24A to include language which ensures that massage therapists and massage therapy businesses have equal protections under the law as other healthcare practitioners and healthcare businesses; and, provisions which grant the Board the power to develop and enforce reasonable and uniform standards for massage therapy educational programs, periodically evaluate massage therapy educational programs and deny or withdraw recognition from noncompliant programs. The Board is also in favor of being granted the authority to randomly select licensees to submit results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation at renewal or upon initiating an investigation in order for the Board to take more timely and appropriate actions.*

## Georgia Board of Massage Therapy

*The Georgia Board of Massage Therapy entered a two (2) to (1) vote in favor of amendments to the Georgia Massage Therapy Practice Act, O.C.G.A. § 43-24A that will grant the Board the authority to regulate and promulgate rules for the bodywork professions and practices identified in subsections 5 through 8 of O.C.G.A. § 43-24A-19; with the continued exclusion of the energy and movement professions and practices that do not undress the client or manipulate tissues. In the same vote the two (2) Board Members in favor of this amendment indicated no preference with regard to the amendment including a tiered approach to differentiate the categories of bodywork professionals or granting the Board authority to promulgate rules to differentiate the level of education and training for bodywork professionals.*

The Georgia Board of Massage Therapy is not eligible to present a Bill to the Georgia General Assembly for consideration; however, the Board may consider any proposed amendments as well as any public comments relative to the proposals and release a position statement. The Board will distribute a copy of this statement to the Office of Secretary of State, members of the Legislative Subcommittee, and post a copy on the Georgia Board of Massage Therapy website for the public to review.

Members of the public who are interested in identifying whether or not a Bill has been proposed to the legislature are encouraged to visit the Georgia General Assembly website at <http://www.legis.ga.gov/Legislation/en-US/Search.aspx> to conduct a search using the keywords feature.