

Georgia Board of Massage Therapy  
Legislative Subcommittee Meeting  
Teleconference Minutes  
Friday, November 18, 2016

**Call to Order**

Craig Knowles called the meeting to order at 3:05 pm and identified each member as present.

**Subcommittee Members Present**

Craig Knowles	Georgia Board of Massage Therapy
Jane Johnson	American Massage Therapy Association Georgia Chapter (AMTA-GA)
Judy LeFave	American Massage Therapy Association Georgia Chapter (AMTA-GA)
Laura Delanoy	Associated Bodywork & Massage Professionals (ABMP)
Laura Embleton	Associated Bodywork & Massage Professionals (ABMP)
Libby Eason	The International Association of Structural Integrators (IASI)
Deborah Nimmons	The International Association of Structural Integrators (IASI)

**Administrative Staff Present**

Adrienne Price Executive Director, Georgia Board of Massage Therapy

**Agenda**

Knowles reviewed the agenda with the members present and asked if there were any additions or deletions. There being none, Knowles indicated that he will proceed with the agenda as established.

**Election of Officers**

The Subcommittee must have one Georgia Board of Massage Therapy member to serve as Chair per directive from the Board. To fill that requirement, Craig Knowles will serve as Chair of the Legislative Subcommittee.

The two remaining positions to be filled per directive from the Board were Vice Chair and Recorder of Minutes:

- A. Vice Chair -  
Johnson made a motion to appoint LeFave as Vice Chair. The motion was seconded by Eason. Motion passed unanimously.
  
- B. Recorder of Minutes -  
Knowles made a motion to appoint Johnson as Recorder of Minutes. The motion was seconded by LeFave. Motion passed unanimously.

**Review of Purpose of the Subcommittee and Terms and Conditions of Participation**

Knowles reviewed the *Subcommittee and Terms and Conditions of Participation* that includes the purpose and qualification for participations, conduct, procedures, and administration information. Each member was provided a copy prior to the meeting as presented in Attachment A. Each member of the subcommittee was given an opportunity to clarify any direction which has been given by the Board as it relates to their roles on the subcommittee. No additional

rules or guidelines for participation were established at this time to include questions regarding the inclusion of additional stakeholders on the subcommittee.

### **Review of Draft**

The Subcommittee members reviewed, discussed, and edited the current consolidated draft of proposed amendments to the *Georgia Massage Therapy Practice Act* through to line #70.

### **Member Assignments:**

The Subcommittee identified some questions and concerns and assigned a member of the subcommittee to attempt to address them as follows:

- A) Knowles will present the following questions to the Georgia Board of Massage Therapy for discussion during the next Board meeting on November 30, 2016.
1. Revisit Legislative Findings and Intent - line #15-17 after the Board meeting.
  2. Consider if the term “bodywork” should be used as no “bodywork” license exists.
  3. Request the Board to identify which exemptions within O.C.G.A. § 43-24A-19 will not qualify for licensure under the definition of “bodywork” or “bodyworker.”
  4. Determine if the Board will be willing to add additional seats on the Subcommittee to allow participation from other stakeholders who may be affected by changes in current practice act.
  5. Consideration of listing the various practices/modalities the Board desires to include in the profession of “bodywork”
  6. Consideration of tiered license approach to coincide with the list of practices/modalities included in “bodywork”.
- B) Eason and Nimmons will work together on developing a definition of bodywork based upon the Board’s current directive.
- C) Johnson will edit the remainder of the draft of proposed amendments to the Georgia Massage Therapy Practice Act in order to provide consistency in the language the Subcommittee members established during the meeting and to expedite editing time during future meetings. Once complete, the document will be shared with the Subcommittee via Google Drive in advance of the next meeting.

Knowles thanked everyone for their time commitment and reiterated the brief time frame that the Subcommittee has to complete this task.

It was the consensus of the subcommittee that the next teleconference meeting be held on Wednesday, December 7, 2016 from 2:00-4:00 PM EST.

The meeting adjourned at 5 PM EST.

Minutes recorded by Johnson and adopted by the subcommittee on December 7, 2016.

Approved by the Board on 01/13/2017.

## **LEGISLATIVE SUBCOMMITTEE PARTICIPANTS**

### **LAURA DELANOY, LMT**

*Member*

*Associated Bodywork & Massage Professionals*

1579 Kindling Way

Snellville, GA 30078-2737

### **LIBBY EASON, CERTIFIED ADVANCED ROLFER™**

*Member*

*International Association of Structural Integrators*

1786 Century Blvd., Suite C

Atlanta, GA 30345

### **LAURA B. EMBLETON**

*Government Relations Director*

*Associated Bodywork & Massage Professionals*

25188 Genesee Trail Road, #200

Golden, CO 80401

### **JANE HORTON JOHNSON, BS, LMT**

*Member*

*American Massage Therapy Association – Georgia Chapter*

2842 Chapman Court

Marietta, GA 30066

### **CRAIG KNOWLES, BCTMB, LMT, CNMT**

*Board Chair*

*Georgia Board of Massage Therapy*

3403 Kenilworth Court

Snellville, GA 30039

### **JUDY LEFAVE, LMT**

*Government Relations Chairman*

*American Massage Therapy Association – Georgia Chapter*

195 Boxford Court

Johns Creek, GA 30022

### **DEBORAH NIMMONS, JD, BCSI, LMP**

*Member*

*The International Association of Structural Integrators*

3805 S. Edmunds St.

Seattle, WA 98118

## Subcommittee and Terms and Conditions of Participation

### I. Purpose and Qualifications for Participation:

- A. The Georgia Board of Massage Therapy (identified hereafter as the “Board”) has embarked upon a process to engage various stakeholders in the process of amending the Georgia Massage Therapy Practice Act. During the October 28, 2016 meeting, the Board has voted to develop a Legislative Subcommittee whose primary purpose is to:
  - i. 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;
  - ii. 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,
  - iii. 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.
- B. Secondary to the aforementioned purpose, members of the subcommittee will be tasked to further educate the general public, to include legislators, law enforcement, massage therapists and bodyworkers regarding any proposed legislative amendments.
- C. The Legislative Subcommittee of the Board is to consist of a maximum of two (2) individuals who are active members of the following groups or organizations:
  - ii. Georgia Board of Massage Therapy
  - iii. American Massage Therapy Association – Georgia Chapter (AMTA-GA)
  - iv. Associated Bodywork & Massage Professionals (ABMP)
  - v. The International Association of Structural Integrators (IASI)

### II. Conduct and Procedures for Legislative Subcommittee Members:

- A. Chair of the Legislative Subcommittee will be a member of the Georgia Board of Massage Therapy. The Subcommittee will select a Vice Chair and Record Keeper in a manner prescribed by the Chair of the Georgia Board of Massage Therapy.
- B. May consult with other individuals and organizations affiliated with the massage therapy and/or bodywork professions in order to produce the work product that will fulfill the purpose of the subcommittee; however, no other individuals or organizations may be invited to join the subcommittee without a vote of the

## **Subcommittee and Terms and Conditions of Participation**

Georgia Board of Massage Therapy. As a result, if the current subcommittee members determine by majority vote that another individual or organization should be added to the subcommittee, notice of such vote is to be submitted to the Georgia Board of Massage Therapy for consideration during their next scheduled meeting.

- C. No copies of the proposed amendments to the Georgia Massage Therapy Practice Act generated as a result of the work of this subcommittee may be distributed without the consent of the Chair of the Georgia Board of Massage Therapy.
- D. Participants are considered volunteers and as such will not receive compensation of any kind from the Board, its staff, the Office of Secretary of State Brian Kemp or the state of Georgia.
- E. The recorder of the subcommittee meetings must have the minutes and/or draft of any amendments to the practice act to the Executive Director of the Georgia Board of Massage Therapy with seven (7) days of the subcommittee meeting.
- F. In most cases, meetings will be conducted via teleconferencing, WebEx or other electronic means; however, participants may be requested to meet in person during the committee's existence. In addition, there may be some use of Google Drive to share versions of any amendments to the practice act.
- G. Although the Board desires to have the work product of this committee completed prior to January 9, 2017, which is the date that the 2017 session will convene, the full term of service on this committee is a minimum of three months and a maximum of one (1) year from the date of the first meeting.
- H. Your name, mailing address, city, state, zip, county, and license numbers (if applicable) may be released upon request under the Open Records Act [O.C.G.A. §50-18-70]. Photographs, email addresses or phone numbers are not subject to such requests.
- I. Any vacancy on the subcommittee due to death, resignation, removal, or otherwise shall be filled by an individual who represents the same organization with which the departing member was affiliated for the remainder of that term of service.

Proposed Amendment to Georgia Massage Therapy Practice Act

By: President Knowles, Vice President Clay and Nichols of the Georgia Board of Massage Therapy

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating  
2 to professions and businesses relative to massage therapy professionals; to provide  
for regulatory  
3 authority; to provide for legislative intent for regulation and controls relative to  
4 massage therapy educational programs and bodywork education programs; to clarify  
requirements for a  
5 massage therapy licenses and bodywork licenses; to establish definitions and general  
powers  
6 of the board; to provide for licensure or registration of massage therapy educational  
programs and  
7 bodywork educational programs; to provide for penalties; to provide for related  
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 § 43-24A-1. This chapter shall be known and may be cited as the "Georgia Massage  
11 Therapy Practice Act."

**SECTION 2-1.**

12 Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to general  
13 provisions applicable to professions and businesses relative to massage therapy and  
bodywork, is  
14 amended by revising paragraph (2) as follows:

Proposed Amendment to Georgia Massage Therapy Practice Act

15 § 43-24A-2. Legislative findings and intent

16 The General Assembly acknowledges that the practices of massage therapy  
17 affects the public health, safety, and welfare. Massage therapists

18 must have a knowledge of anatomy and physiology and an

19 understanding of the relationship between the structure and function of the tissue

20 being treated and the total function of the body. Massage therapy or is

therapeutic

21 and regulations are necessary to protect the public from unqualified practitioners. It is

22 in the interest of the public to set standards of qualifications, education, training, and

23 experience for those who seek to practice massage therapy professions; to

24 promote high standards of professional performance for those licensed to practice

25 massage therapy; and to protect the public from unprofessional

26 conduct by persons licensed to practice massage therapy

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**SECTION 2-2.**

29 Said title is further amended by revising Code Section 43-24A-3, relating to

30 definitions, as follows:

31 § 43-24A-3.

32 As used in this chapter, the term:

33 (2) "Applicant" means any person or entity seeking a license

~~34~~—under this chapter.

35 (3) "Board" means the Georgia Board of Massage Therapy established

36 by this chapter.

37 (4) "Board recognized massage therapy program" means an therapy educational  
program

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39 which meets the standards for training and

Proposed Amendment to Georgia Massage Therapy Practice Act

40 curriculum as set out by the board in its rules which are consistent with the Nonpublic  
41 Postsecondary Education Commission as provided in Code Section 20-3-250.4.

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Proposed Amendment to Georgia Massage Therapy Practice Act

73 (4.1) "Entity" means the owner or operator of a business where massage therapy for  
74 compensation is performed.

75 (5) "License" means a valid and current certificate of registration issued by the  
76 board.

77 (6) "Licensee" means any person holding a license.

78 (7) "Massage therapist" means a person who administers massage or massage  
79 therapy for compensation.

80 (8) "Massage therapy" means the application of a system of  
81 structured touch, pressure, movement, and holding to the soft tissue of the body in  
82 which the primary intent is to enhance or restore health and well-being. The term  
83 includes complementary methods, including without limitation the external  
84 application of water, superficial heat, superficial cold, lubricants, salt scrubs, or other  
85 topical preparations and the use of commercially available electromechanical devices  
86 which do not require the use of transcutaneous electrodes and which mimic or  
87 enhance the actions possible by the hands; the term also includes determining  
88 whether massage therapy is appropriate or contraindicated, or whether referral to  
89 another health care provider is appropriate. Massage therapy shall not include the  
90 use of ultrasound, fluidotherapy, laser, and other methods of deep thermal  
91 modalities.

92 (9) "Person" means a natural person only.

93 (10) "Provisionally permitted massage therapist"  
94 means a person issued a provisional permit under this chapter.

95 **SECTION 2-3.**

96 Said title is further amended by revising Code Section 43-24A-4, relating to the  
97 creation of the board, as follows:

98 § 43-24A-4. The Georgia Board of Massage Therapy; creation;

Proposed Amendment to Georgia Massage Therapy Practice Act

99 members; terms; reimbursement

100 (a) There is created the Georgia Board of Massage Therapy which shall  
101 consist of five members. The board shall be assigned to the Secretary of  
102 State's office for administrative purposes and shall be under the jurisdiction of the  
103 division director and shall operate in accordance with and pursuant to the provisions  
104 of Chapter 1 of this title, as applicable.

105 (b) The Governor shall appoint, subject to confirmation by the Senate, all members  
106 of the board for initial terms of office beginning July 1, ~~2005~~  
107 . The Governor shall appoint ~~two~~ initial  
108 members of the board to serve for terms of two years and ~~three~~ initial members  
109 of the board, including the public member, to serve for terms of four years. After the  
110 initial terms specified in this subsection, members of the board shall take office on  
111 the first day of July immediately following the expired term of that office and shall  
112 serve for a term of four years and until their successors are appointed and qualified.  
113 Any person appointed to the board when the Senate is not in session may serve on  
114 the board without Senate confirmation until the Senate acts on that appointment. No  
115 member shall serve on the board for more than two full consecutive terms. Any  
116 vacancy due to death, resignation, removal, or otherwise shall be filled for the  
117 remainder of the unexpired term in the same manner as regular appointments.

118 **SECTION 2-4.**

119 Said title is further amended by revising Code Section 43-24A-5, relating to  
120 qualifications of board members and removal, as follows:  
121 § 43-24A-5.

122 (a) (1) There shall be four professional members of the board who shall:

123 (A) Be citizens of the United States and residents of this  
124 state for at least three years prior to the date of appointment;

125 (B) Have been engaged in massage therapy  
126 practice for compensation for at least five years immediately preceding their

Proposed Amendment to Georgia Massage Therapy Practice Act

127 appointment; and

128 (C)

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130 131 Be eligible for licensure under this chapter. Effective July 1, 2006, and  
132 thereafter, all professional members of the board shall be licensed under this  
133 chapter.

134 (2) No more than one professional member of the board may be an owner of or  
135 affiliated with any massage school.<sup>136</sup>

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138 (b) There shall be one consumer member of the board who shall be appointed by  
139 the Governor from the public at large, shall be a citizen of the United States and  
140 resident of this state, and shall be a person to whom neither this state nor any other  
141 state or jurisdiction or organization has ever issued a certificate, registration,  
142 license, or permit to engage in the practice of massage therapy nor be  
143 an owner of or affiliated with any massage school.

144 (c) The Governor, after notice and opportunity for hearing, may remove any  
145 member of the board for incompetence, neglect of duty, unprofessional conduct,  
146 conviction of a felony, failure to meet the qualifications of this chapter, or  
147 committing any act prohibited by this chapter.

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**SECTION 2-5.**

149 Said title is further amended by revising Code Section 43-24A-7, relating to powers  
150 of the board, as follows:

151 § 43-24A-7.

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Proposed Amendment to Georgia Massage Therapy Practice Act

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162 163 The board shall have the power to

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166 (1) Examine and determine the qualifications and fitness of applicants for licenses to

167 practice massage therapy in this state

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170 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice

171 massage therapy in this state or otherwise discipline licensed massage

172 therapists;

173 (3) Conduct investigations for the purpose of discovering violations

174 of this chapter or grounds for disciplining persons or entities

175 acting in violation of this chapter;

176 (4) Hold hearings on all matters properly brought before the board and, in

177 conjunction therewith, to administer oaths, receive evidence, make the necessary

178 determinations, and enter orders consistent with the findings. The board may

179 designate one or more of its members as its hearing officer;

180 (5) Adopt, revise, and enforce rules concerning advertising by licensees including,

181 but not limited to, rules to prohibit false, misleading, or deceptive practices;

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Proposed Amendment to Georgia Massage Therapy Practice Act

193 195 (6) Adopt an official seal; and  
196 (7) Bring proceedings to the courts for the enforcement of this chapter or any  
197 rules and regulations promulgated pursuant to this chapter.198 (b) In addition to  
the enumerated powers in subsection (a) of this Code section, the  
199 board has the authority to conduct its business pursuant to the provisions of Code  
200 Section 43-1-19 which is incorporated herein and made a part of this chapter by  
201 specific reference.

202 **SECTION 2-6.**

203 Said title is further amended by revising Code Section 43-24A-8, relating to  
204 licensure of massage therapists and application requirements, as follows:  
205 § 43-24A-8.

206 (a) No person may practice massage therapy in this state who is not a licensed  
207 massage therapist or the holder of a valid provisional permit issued by the division  
208 director pursuant to this chapter.

209 (b) Any applicant for a license as a massage therapist must submit a completed  
210 application upon a form and in such manner as the board prescribes, accompanied  
211 by applicable fees, and evidence satisfactory to the board that:

212 (7) The applicant has passed satisfactorily the National Certification Examination for  
213 Therapeutic Massage and Bodywork, an  
214 equivalent test approved by the board, or an examination administered by another  
215 state\_or jurisdiction whose license requirements meet or exceed those of  
216 this state.

217 **SECTION 2-7.**

218 Said title is further amended by adding a new Code Section to read as follows:

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Proposed Amendment to Georgia Massage Therapy Practice Act

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**SECTION 2-8.**

250 Said title is further amended by revising Code Section 43-24A-9, relating to  
251 provisional permits, as follows:

252 § 43-24A-9.

253 (a) A provisional permit to practice as a provisionally permitted massage therapist  
254 shall, upon proper application, be issued for a six-month period to an  
255 applicant who meets the following criteria:

256 (1) Holds a valid license as a massage therapist in another state;

257 (2) Is not a resident of this state as confirmed in a secure and verifiable document,  
258 as defined in Code Section 50-36-2;

259 (3) Has not had a license or permit to practice as a massage therapist

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260 voided, revoked, suspended, or annulled by this state or another state

261 ; and

262 (4) Has not been convicted of a felony in the courts of this state, any other state,

263 territory, or country, or in the courts of the United States, including, but not limited

264 to, a plea of nolo contendere entered to such charge or the affording of first offender

265 treatment to any such charge

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267 (b) A provisional permit shall require the applicant to work under the supervision of

268 a licensed massage therapist. If an applicant has met the

269 requirements of subsection (a) of this Code section and submits the applicable

270 license fee, the applicant shall be granted a provisional permit to practice in this

271 state. Upon receipt of such application and fee, a provisional permit shall be

272 administratively issued.

273 (c) A provisional permit may be voided if the board determines that the person

274 holding such permit no longer meets one or more of the criteria set forth in

275 subsection (a) of this Code section.

276 (d) A provisional permit issued pursuant to subsection (a) of this Code section shall

277 have the same force and effect as a permanent license until the time of its

278 expiration.

279 (e) A provisional permit issued pursuant to subsection (a) of this Code section shall

280 expire on the same date as a license issued under this chapter to a holder of a

281 provisional permit who has passed the examination pursuant to Code Section 43-

282 24A-8.

283 **SECTION 2-9.**

284 Said title is further amended by revising Code Section 43-24A-13, relating to

285 Licensure by endorsement, as follows:

286 § 43-24A-13.

287 Any applicant for a license by endorsement as a massage therapist

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288 must submit a completed application upon a form and in such manner as the board  
289 prescribes, accompanied by applicable fees, and evidence satisfactory to the board  
290 that:

291 (4) The applicant is currently licensed as a massage therapist in  
292 another jurisdiction, state, or territory of the United States or foreign country which  
293 requires standards for licensure considered by the board to be equivalent to the  
294 requirements for licensure under this chapter.

295 **SECTION 2-10.**

296 Said title is further amended by revising Code Section 43-24A-14, relating to  
297 Display of license, expiration and renewal of licenses; change of address; in active  
298 status as follows:

299 § 43-24A-14.

300 (b) All licenses shall expire biennially unless renewed. All applications for renewal of  
301 a license shall be filed with the division director prior to the expiration date,  
302 accompanied by the biennial renewal fee prescribed by the board and certifying that  
303 all current requirements of continuing education as determined by the board have  
304 been fulfilled. The board shall provide for penalty fees for late registration. The  
305 failure to renew a license by the end of an established penalty period  
306 shall have the  
307 same effect as a revocation of said license, subject to reinstatement only after  
308 application and payment of the prescribed reinstatement fee within the time period  
309 established by the division director, provided that the applicant meets such  
310 requirements as the board may establish by rule.

311 (c) The licensee shall inform the board of any change of address within 30 days.

312 (d) Each person licensed under this chapter is responsible for renewing his or her  
313 license before the expiration date.

314 (e) Under procedures and conditions established by the board, a licensee may

Proposed Amendment to Georgia Massage Therapy Practice Act

315 request that his or her license be declared inactive. The licensee may apply for active  
316 status at any time and upon meeting the conditions set forth by the board shall be  
317 declared active.

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**SECTION 2-11.**

319 Said title is further amended by revising Code Section 43-24A-15, relating to  
320 unlawful acts, as follows:

321 § 43-24A-15. Unlawful acts

322 (a) It shall be a violation of this chapter for any person or entity  
323 to advertise massage therapy services or to advertise the offering of  
324 massage therapy services unless such services are provided by a  
325 person who holds a valid license under this chapter.

326 (b) It shall be a violation of this chapter for any person to advertise:

327 (1) As a massage therapist unless the person holds a valid license  
328 under this chapter in the classification so advertised; or

329 (2) Massage therapy services combined with escort or dating services  
330 or adult entertainment.

331 (c) It shall be a violation of this chapter for a person or entity, or the employees,  
332 agents, or representatives of such person or entity, to practice massage therapy or  
333 to use in connection with such person's or entity's name or business activity the  
334 terms "massage," "massage therapy," "massage therapist," "massage practitioner,"  
335 or the letters "M.T.," "L.M.T.," or any other words, letters, abbreviations, or insignia  
336 indicating or implying directly or indirectly that massage therapy is provided or  
337 supplied unless such massage therapy is provided by a massage therapist licensed  
338 and practicing in accordance with this chapter. 339

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Proposed Amendment to Georgia Massage Therapy Practice Act

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347 (d) It shall be a violation of this chapter for any entity to:

348 (1) Advertise the offering of massage therapy services combined with

349 escort or dating services or adult entertainment; or

350 (2) Employ unlicensed massage therapists to perform massage therapy

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352 (e) It shall be a violation of this chapter for any person to practice massage therapy

353 without holding a current or provisional license as a massage therapist in accordance

354 with subsection (a) of Code Section 43-24A-8. 355

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358 (f) It shall be a violation of this chapter for any person or entity, or the employees,

359 agents, or representatives of such person or entity, to render or offer massage

360 therapy services for compensation unless such massage therapy

361 is provided by a licensed massage therapist.

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**SECTION 2-12.**

363 Said title is further amended by revising Code Section 43-24A-16, relating to

364 unlicensed practice and injunctions, as follows:

365 §43-24A-16. Practice of massage therapy without a license;

366 The practice of massage therapy is declared to be an activity affecting

367 the public interest and involving the health, safety, and welfare of the public. Such

368 practice by a person who is not licensed to practice in this state is declared to be a

369 public nuisance, harmful to the public health, safety, and welfare. Any citizen of this

Proposed Amendment to Georgia Massage Therapy Practice Act

370 state, the board, or the appropriate prosecuting attorney where such practice is  
371 carried on by such unlicensed person may, on behalf of the public, bring an action to  
372 restrain and enjoin such unlicensed practice in the superior court of the county  
373 where such unlicensed person resides or works. It shall not be necessary in order to  
374 obtain an injunction under this Code section to allege or prove that there is no  
375 adequate remedy at law or to allege or prove any special injury.

**SECTION 2-13.**

376 Said title is further amended by revising Code Section 43-24A-17, relating to  
377 Disciplinary action, as follows:

378 § 43-24A-17.

379 (a) The board may take any one or more of the following actions against a person  
380 or entity found by the board to have committed  
381 a violation of this chapter:

382 (1) Reprimand or place the licensee on probation;

383 (2) Revoke or suspend the license or deny the issuance or renewal of a license;

384 (3) Impose an administrative fine not to exceed \$500.00 for each violation; and

385 (4) Assess costs against the violator for expenses relating to the investigation and  
386 administrative action.

387 (b) The board may

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389 assess collection costs and interest for the collection of fines

390 imposed under this chapter against any person

391 or entity that fails to pay a fine as directed by the board.

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**SECTION 2-14.**

393 Said title is further amended by revising Code Section 43-24A-19, relating to

Proposed Amendment to Georgia Massage Therapy Practice Act

394 exceptions, as follows:

395 § 43-24A-19.

396 Nothing in this chapter shall be construed to affect, restrict, or prevent the practice,

397 services, or activities of:

398 (5) A person who restricts his or her practice to the manipulation of the soft tissue of

399 the human body to hands, feet, or ears who does not have the client disrobe and

400 does not hold himself or herself out as a massage therapist

401 ;

402 (6) A person who uses touch, words, and directed movement to deepen awareness of

403 existing patterns of movement in the body as well as to suggest new possibilities of

404 movement while engaged within the scope of practice of a profession with

405 established standards and ethics, provided that his or her services are not

406 designated or implied to be massage or massage therapy;

407 (7) A person who uses touch and movement education to effect change in the

408 structure of the body while engaged in the practice of structural integration, provided

409 that he or she is a member of, or whose training would qualify for membership in,

410 the International Association of Structural Integrators and provided that his or her

411 services are not designated or implied to be massage or massage therapy;

412 (8)

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414 A person who uses touch to affect

415 the energy systems, polarity, acupoints, or Qi meridians, also known as channels of

416 energy, of the human body while engaged within the scope of practice of a

417 profession with established standards and ethics, provided that his or her services

418 are not designated or implied to be massage or massage therapy; or

419 (9) A person who was engaged in massage therapy practice prior to July 1, 2005;

420 provided, however, the prohibition of subsection (c) of Code Section 43-24A-15 shall

Proposed Amendment to Georgia Massage Therapy Practice Act

421 apply to such a person on and after July 1, 2007.

422 **SECTION 2-15.**

423 Said title is further amended by revising Code Section 43-24A-21, relating to  
424 exceptions, as follows:

425 § 43-24A-21. Proceedings for a restraining order, injunction, or writ of mandamus  
426 As cumulative to any other remedy or criminal prosecution, the board may file a  
427 proceeding in the name of the state seeking issuance of a restraining order,  
428 injunction, or writ of mandamus against any person  
429 who is or has been violating any of the provisions of this chapter or the lawful rules  
430 or orders of the board.

431 **SECTION 2-16.**

432 Said title is further amended by revising Code Section 43-24A-22, relating to  
433 local regulation, as follows:

434 § 43-24A-22.

435 (a) This chapter shall not be construed to prohibit a county or municipality from  
436 enacting any regulation of persons not licensed pursuant to this chapter. Any place  
437 of business where massage therapy for compensation is performed shall  
438 also be subject to regulation by local governing authorities.

439 (b) No provision of any ordinance enacted by a municipality, county, or other  
440 jurisdiction that relates to the practice of massage therapy or requires  
441 licensure of a massage therapist may be enforced against a person  
442 who is issued a license by the board under this chapter.

443 **SECTION 2-17.**

444 Said title is further amended by revising Code Section 43-24A-23, relating to

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445 Taxation as a health care activity, as follows:

446 § 43-24A-23.

447 Notwithstanding any provision of law to the contrary, the act of a duly licensed

448 massage therapist in performing a massage shall be

449 deemed to be the act of a health care professional and shall not be subject to the

450 collection of any form of state or local taxation regulations not also imposed on other

451 professional health care activities.

452 **SECTION 2-18**

453 Said title is further amended by revising Code Section 43-24A-24, relating to

454 Fines and punishments for violations, as follows:

455 § 43-24A-24.

456 (a) Any person who acts in violation of Code Section 43-24A-15, upon conviction

457 thereof, shall be punished as provided in this Code section.

458 (b) Each act of unlawful practice under this Code section shall constitute a distinct

459 and separate offense.

460 (c) Upon being convicted a first time under this Code section, such person

461 or entity shall be guilty of and shall be punished as for a misdemeanor for

462 each offense

463 . Upon being convicted a second time under this Code section, such person

464 or entity shall be guilty of and shall be punished as for a

465 misdemeanor of a high and aggravated nature

466

467 . Upon being convicted a third or

468 subsequent time under this Code section, such person or entity shall be guilty of a

469 felony and shall be punished by a fine of not more than \$25,000.00 for each offense,

470 imprisonment for not less than one nor more than five years, or both

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**SECTION 3.**

474 All laws and parts of laws in conflict with this Act are repealed.