

Georgia Board of Massage Therapy  
Legislative Subcommittee Meeting  
Teleconference Minutes  
Friday, December 16, 2016  
3:00 - 5:00 PM EST

**Call to Order**

Craig Knowles called the meeting to order at 3:02 PM EST 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 Delaney	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. LeFave made a motion to adopt the agenda and Johnson seconded the motion. The motion passed unanimously.

**Minutes**

Members reviewed the 12-7-2016 Legislative Subcommittee Meeting Minutes. LeFave made a motion to approve the minutes as presented and Embleton seconded the motion. The motion passed unanimously.

**Report of Input from Identified Stakeholders ~ Eason and Nimmons**

1. Eason presented a report reflecting input from FGNA, AOBTA, and APTA. She reported that all of these groups request to remain exempt; however, FGNA offered some exemption language that the Board may want to consider using. They also asked that the Board not include any of the language within any definition of bodywork.
  - a. A definition was read from FGNA as follows: "Suggested Movement Practices Exemption: Nothing in this Article shall be construed to prevent or restrict the practice of any person in this state who uses touch, words and directed movement to deepen awareness of existing patterns of movement as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession with established

standards and ethics, provided that their services are not designated or implied to be massage or massage therapy. Movement-based practices are conducted with participants clothed as one would normally be in a public place, such as the street or an exercise studio. Such practices include, but are not limited to the Feldenkrais Method® of somatic education, the Trager Approach® to movement education, and Body-Mind Centering®. Practitioners must be recognized by or meet the established standards of either a professional organization or credentialing body that represents or certifies the respective practice based on a minimum level of training, demonstration of competency, and adherence to ethical standards." Further review and discussion of the definition is scheduled for the next meeting on Wednesday, December 21, 2016.

- b. AOBTA needs clarification on the length of time it takes to receive a Board reply from their recent correspondence. Price explained that responses from correspondence submitted to the Board are typically generated within 15 business days to correspondence. They requested that the Board stop trying to define bodywork, expressed some confusion on the amendment drafts, and indicated that they feel that addressing Human Trafficking and prostitution within the statute is not the way to go as it will penalize the industry.
  - c. APTA wishes to be exempted as they do not do soft tissue manipulation or disrobe their clients.
2. Nimmons presented a report reflecting input from ISMETA, USTA, and BCTA/NA. Nimmons remarked that they each expressed some concerns regarding their ability to track the various drafts of bill, would like to see the exemptions remain and requests that the Board use the least restrictive means to "beef up" the exemptions clauses within the statute.
- a. She reported that USTA expressed additional concerns about including additional language that gives law enforcement and the authorities the ability to conduct an investigation without probable cause. It was their position that law enforcement already has that authority and therefore there is no need to license new professions to gain it. Their suggestion was to strengthen the language in the existing statute as opposed to going after licensing of new professions.

Eason and Nimmons expressed to the subcommittee their concerns about being able to properly disseminate information between the organizations and the subcommittee in enough time to allow the organizations time to respond particularly if they are not able to talk about what was discussed in the subcommittee.

Nimmons also requested that Johnson be consistent with the name of the draft bill and include a date or number in the title so that everyone will be able to easily identify which version of the document they are reviewing and can compare the changes as we go along. It was the consensus of the subcommittee to do this going forward.

Knowles stated that as he said in the beginning, there will be some practices that will remain exempt because they are not manipulating soft tissue. He further clarified that in an effort to expedite and simplify the process, the Board voted on November 30, 2016 to rescind the motion which prohibited

the sharing of any information that has been discussed in the subcommittee meetings. He indicated that verbally sharing information as well as a copy of the working draft of the bill is allowed but requests for any other written correspondence has to go through the Board office so that it can be processed like any other Open Records Request.

LeFave stated that much of what has come from these organizations have been in the form of complaints but few solutions. She remarked that like it or not human trafficking is a significant issue and the massage and bodywork professions are being used as the conduit for these acts and if the profession itself isn't proactive and try to do something to regulate and control illegal and unprofessional acts, to include human trafficking, within the profession the legislators will. It is better that we present solutions. Knowles agreed and requested that Eason and Nimmons go back to these groups and inform them that what the subcommittee really needs from them is solutions. Regulation of some of the bodywork professions is coming in one way or another and the Board is interested in doing it in the best way possible for the vast majority because no matter how the bill looks, every part of it is not going to please everybody.

Eason indicated that she is happy to know that she has more latitude with sharing information than she had originally thought and now that she knows what is needed from the groups she will go back to them with this information.

Price asked the subcommittee if they would clarify whether or not it is possible to exempt movement practices at this point in the process? It was the consensus of the subcommittee that the movement practices may be exempt if no manipulation of soft tissue is occurring.

**“Bodywork” and “Bodyworker” Definition(s) ~ Eason and Nimmons**

Eason and Nimmons collectively worked on the development of definitions for “bodywork” and “bodyworker.” They presented the subcommittee with a copy of their working definitions. After the subcommittee members discussed what they considered to be important components of the definitions, Knowles presented the following “Bodywork” definition for review and discussion:

*Bodywork* shall refer to the practice of a person representing themselves as a bodyworker or bodywork therapist, or the practice of a person using any form of touch to manipulate tissue, which does not constitute Massage as defined in ....., in the course of a treatment or therapy provided to another person. Bodywork may include the affectation of the human energy system or acupoints or Qi meridians of the human body. The Board, in conjunction with the Department, will maintain a list of treatment and therapy modalities considered Bodywork for the purposes of these Regulations.

It was the consensus of the subcommittee to include this “Bodywork” definition on the agenda for further discussion during the next meeting on Wednesday, December 21, 2016.

In addition, it was the consensus of the subcommittee to have Johnson incorporate the “Bodywork” language Knowles presented into the “12-16-2016 PROPOSED AMENDMENTS TO TITLE 42 CHAPTER 24A with inserts” located in Google Drive.

### **Additional Language Considerations ~ Price**

1. Price indicated that during the December 7, 2016 meeting the subcommittee requested that she provide a copy of HB 416 which amended Chapter 1 of Title 43 to add a new Code section number 33 which required healthcare practitioners to conspicuously post/communicate their licensure to all current and prospective patients to determine if similar language should be added into the draft bill. Price made the following observations:
  - a. Massage Therapists are not included in the HB 416 legislation draft presented.
  - b. The purpose of the Board wanting to incorporate similar language into the draft was to elevate the profession to that of other healthcare professionals.

The Subcommittee reviewed and discussed the impact of massage therapists and bodyworkers wearing an ID badge. Knowles informed the Subcommittee that the Board recently voted to require Licensed Massage Therapists to possess a license that is issued by the Board with their photo. In addition, Licensed Massage Therapists must currently display his or her current license certificate in the workplace. Therefore, having the license with their picture on it on their person or on the premises wouldn't be very different from what they are already required to do.

2. Price stated that the subcommittee also requested that she review other statutes for language that addressed the Rule Promulgation Process.
  - a. Price presented draft language that includes the promulgation of rules and explained that should the bill pass, the Board may have to have rules hearings each week to promulgate the rules but it can be done within a year.
  - b. The language Price presented starts at line 154 of the draft:

a) Beginning on July 1, 2017, the Georgia Board of Massage Therapy and Bodywork shall regulate massage therapy and the practice of massage therapy and bodywork in this state. The Board shall operate under the **statutes**, rules and regulations of the **Georgia Board of Massage Therapy** as they existed on June 30, 2017, until the Board shall promulgate one set of rules and regulations governing **massage therapy, bodywork, massage therapy educational programs, bodywork educational programs, and entities pursuant to this chapter**; such rules and regulations shall be adopted on or before July 1, 2018.

(b) Any person who holds a license or certificate of registration issued under this chapter or Chapter 8 of this title as they existed on June 30, 2017, shall not be required to undergo recertification under this chapter but shall otherwise be subject to all applicable provisions of this chapter. Such certificates of registration issued on or before June 30, 2017, shall be considered certificates of registration issued under and subject to this chapter for all purposes.

### 3. Limited Waiver of Bodywork Licensure Requirements

Price explained that the Subcommittee may consider adding language to address the grandfathering period for any bodywork professionals, which would include licensed massage therapists who desire a bodywork license.

#### a. § 43-24A-8.2. Limited waiver of bodywork licensure requirements.

Until January 1, 2019, the Board shall issue a bodywork license to an applicant who:

- (1) Has made application to the Board in the manner stated in Chapter 8.1 of this Chapter; and,
- (2) Is certified, in good standing, by a certifying body which is approved by the Board for the bodywork profession for which the applicant has applied; or,
- (3) Has successfully taken and passed the national examination, approved by the Board, for the bodywork profession(s) the applicant has applied.

4. Price indicated that in addition to the additional language considerations she was asked to research, she thought it may be helpful to give the subcommittee examples of how other professions have subcategories of licensure that the subcommittee could use as a guide for developing bodywork subcategories. She provided the various designations in nursing, and samples of designations for Massage Therapy and Bodywork to consider.

It was the consensus of the subcommittee to incorporate the language that Price provided into the "12-16-2016 PROPOSED AMENDMENTS TO TITLE 42 CHAPTER 24A with inserts" located in Google Drive at this time.

### **Review of Draft**

The Subcommittee members started reviewing the Draft on line # 182 and stopped on line # 202.

### **Member Assignments**

Assignments for the December 21, 2016 meeting are as follows:

1. Price will provide sample language from other Board statutes regarding the Board's authority to publicly publish a list of unrecognized educational programs and statutes which address and track school performance statistics- line #192.
2. The Subcommittee is to review definition from ISMETA presented by Eason
3. The Subcommittee is to review the Bodywork definition presented by Knowles

Price indicated that she will not be present on December 21, 2016 but she will have the information for her assignment available.

During the December 7, 2016 meeting, Price was requested to conduct a poll of meeting dates on which a quorum of the committee could be established. According to the responses, she reported that the meeting dates may be established as follows:

1. Wednesday, December 21 at 1:00 - 3:00 PM EST
2. Wednesday, December 28 at 1:00 - 3:00 PM EST

3. Thursday, January 5, at 1:00 - 3:00 PM EST

There being no further business, the meeting adjourned at 5:00 PM EST.

Minutes recorded by Johnson and adopted by the Subcommittee on 12/21/2016.

The minutes were adopted by the Board on 01/13/2017.