

Georgia Board of Massage Therapy
Legislative Subcommittee Meeting
Teleconference Minutes
Thursday, January 5, 2017
1:00 – 3:00 PM EST

Call to Order

Craig Knowles called the meeting to order at 1:03 PM EST and identified members as present and absent.

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)
Libby Eason	The International Association of Structural Integrators (IASI)
Deborah Nimmons	The International Association of Structural Integrators (IASI)

Subcommittee Members Absent

Laura Embleton	Associated Bodywork & Massage Professionals (ABMP)
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Administrative Staff

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. Delanoy made a motion to adopt the agenda and LeFave seconded the motion. The motion passed unanimously.

Minutes

Members reviewed the 12-28-2016 Legislative Subcommittee Meeting Minutes. A motion to adopt the 12-28-2016 Legislative Subcommittee Meeting Minutes was made by LeFave and Knowles seconded the motion. The motion passed unanimously.

Correspondence - Eason – Questions on Legislative Subcommittee Mandate and Board Agenda

Knowles offered correction in response to correspondence submitted to the Subcommittee by Eason.

- 1) He clarified that the law or rules have not changed regarding bodywork not being acceptable for meeting the requirements of massage therapy continuing education; however, the Board did vote that what is accepted must line up with the law. The Board vote is recorded in Board minutes for reference.

2) In response to Eason's inquiry regarding the input of AMTA GA Chapter's Attorney, Stan Jones, he remarked that Mr. Jones has not added any items to the Draft since the committee has begun its work; however, during the last meeting, the subcommittee agreed to obtain his insight into cleaning up and clarifying the definition of "massage therapy and bodywork" and "bodywork" to show that massage therapists do have some bodywork training in their education.

3) Knowles further clarified that it is currently a violation for a massage therapist to mislead the public regarding their credentials. Knowles referenced Board Rule 345-6-.01 Professional and Unprofessional Conduct which states:

1) Georgia Licensed Massage Therapist's shall:

b) Represent professional qualifications truthfully and accurately, including education and professional affiliations, and provide only those services that the practitioner is qualified by education, experience, and skill to perform within recognized professional standards for the practice of massage therapy.

4) Lastly, Knowles directed the subcommittee to where he obtained the certification language from Massachusetts as a starting point and used it as a resource. The majority of the subcommittee liked the language and included it in the draft.

Eason thanked him for the clarification and reiterated that her concern is that she does not wish for anyone to think that they can practice a technique or modality for which they have no training and feels that this will need further clarification.

Request- LeFave – Workable draft

A request was made by LeFave to provide a workable document to AMTA GA Chapter's Attorney, Jones, in a Word document so that he could edit the document. It was the consensus of the subcommittee that a draft can be downloaded from Google Drive to be provided to Jones in a Word document but that he not be given access to Google Drive as the subcommittee has not allowed such access to other parties. LeFave will send the current Draft to Attorney Jones.

Review and Report of Input from Identified Stakeholders

1) Eason reported new information to the Subcommittee from AOBTA as follows:

1. "Massage Therapy and Bodywork" does not demonstrate a board who identifies Bodywork Therapists as equals. Fair licensing laws usually write the bill as "Massage and Bodywork Therapy" or "Massage Therapy and Bodywork Therapy."
2. Removing AOBTA's and NCCAOM's credentials is alarming.
3. ABT Scope of Practice is uniquely defined as working with Qi and Meridians. No other profession regulated under this bill has that privilege.
4. It is important that licensees are not put under financial hardship. The language under Article 2 43-24A-25 is awkward. The current wording appears to be created for Massage Therapy establishments. It is important not to burden practitioners with significant overhead costs by requiring them to rent an office or by preventing them from doing house calls. Nor should home offices be put to the same scrutiny of a large establishment.

5. It would be more appropriate to make changes to the anti-human trafficking law to give it the necessary investigative and prosecutorial power, instead of treating professional massage therapists and bodywork therapists as criminals.

Again, our feedback does **not** in any way imply our agreement with the action the GA Board of MT is taking by trying to regulate ABT practices under the MT law. Finally, we request that all revised documents are forwarded in word format or a searchable PDF file.

b) Nimmons reported new information to the Subcommittee from USTA and APTA as follows:

1. She stated that the Board has received the letter from USTA. Knowles informed the subcommittee members that the USTA correspondence received must be addressed by the Board as it is beyond the mandate of this committee. He stated it will be addressed during the next Board meeting.
2. Nimmons stated that some of USTA's comments are similar to those from APTA in that they suggest that the Board consider alternatives to going straight to licensing such as allowing inspections, bonding, and an insurance requirement. An example of how the Board may handle it was taken from Massachusetts. She stated that if there continues to be a Massage Therapy and Bodywork license concern, that there may be a system put in place whereby a licensed massage therapist might have one level of oversight while bodywork therapists receive oversight as needed in the areas where they live and practice as well as the areas that are problematic areas. For instance, the oversight for bodyworkers is provided through the Department of Health in Massachusetts. If there isn't a license for a Bodyworker, then the requirement would be a certification and registration and the Department of Health would oversee them. This would not burden Bodyworkers with the licensure process and could be implemented on a local and state level but there needs to be a clear distinction and definition of "massage therapy and bodywork" and "bodywork."

Review of Language

a) Definitions for refining "movement therapy" and "energy work" language from Eason will be presented next meeting.

b) LeFave discussed the use of the terms "massage therapy and bodywork" and "bodywork" licensing language with AMTA GA Chapter Attorney Jones. She will provide more information next meeting.

c) LeFave discussed with AMTA GA Chapter Attorney Jones about requiring liability insurance for massage therapy and bodywork. Language will be provided next meeting.

Continue Line by Line of the Draft

The Subcommittee started reviewing the Draft beginning at Section 3 and completed reviewing the Draft. Knowles mentioned that the Board is considering licensing massage therapy businesses. In Section 3, Standards for Local Regulation, the members reviewed and discussed this section in the event that the Board moves forward with licensing massage therapy businesses this legislative session.

LeFave explained that this section would guide the local municipalities in the local and state regulation if the Board chooses not to regulate massage therapy businesses.

LeFave informed the members that the Mandatory Reporting language was borrowed from the nursing profession. Price added that many people think it is your professional obligation to report if another professional is not abiding by Board law and rules, so this language allows the person reporting to be protected.

Nimmons sought the need for further clarity on the definition of the terms of “massage therapy and bodywork” and “bodywork.” She suggested the possibility of two different definitions for bodywork. One concern was not to imply that anyone coming out of massage therapy school with a few classes is providing bodywork in comparison to bodywork with certifications that meet national organization requirements. Clarifying the two types of bodywork is necessary. Eason agreed and suggested a tiered level and further discussion. Price suggested that the nursing statute does have distinctions with associated fees. Nimmons and Eason agree to review the nursing law and rules and prepare language defining “massage therapy and bodywork” and “bodywork” for the Subcommittee to review on the next meeting.

The Subcommittee members discussed that once the terms of “massage therapy and bodywork” and “bodywork” are clarified, then the Draft will be edited appropriately.

The sections reviewed and discussed include the following:

- 43-24A-25. Standards for local government regulation of massage therapy or bodywork businesses.
- 43-24A-26. Prohibitions on local government regulation of massage therapy or bodywork businesses.
- 43-24A-27. Permissions for local government regulation of massage therapy and bodywork or bodywork businesses.
- 43-24A-25. Massage Therapy or Bodywork Business Licenses.
- 43-24A-26. Massage therapy or Bodywork licenses – minimum standards; transferability.
- 43-24A-27. Permissions for local government regulation of massage therapy and bodywork or bodywork businesses.
- 43-24A-27. Occurrences requiring immediate notification to the board.
- 43-24A-26. Duty to prosecute violations.
- 43-24A-27. Definitions.
- 43-24A-29. Mandatory reporting requirement for violations of grounds for discipline; no reporting requirement for knowledge obtained via privileged communications.
- 43-24A-26. Duty to prosecute violations.
- 43-24A-28. Institutional reporting requirements; voluntary submission to alternative to discipline program not subject to reporting requirement.
- 43-24A-32. Reporting.
- 43-24A-33. Reportable incidents.
- 43-24A-34 Court order; citation for civil contempt. And, Chapter 13 of Title 48, regarding revenue and taxation

Miscellaneous

Member Assignments for the next meeting on Wednesday, January 11, 2017 1:00-3:00 PM EST are as follows:

1. Eason and Nimmons will refine “movement therapy” and “energy work” definitions.
2. LeFave will provide more information on the use of the terms “massage therapy and bodywork” and “bodywork” licensing language.
3. LeFave will provide language on requiring liability insurance for massage therapy and bodywork.
4. Nimmons and Eason to provide clearer language defining the term of “bodywork” used in “massage therapy and bodywork” and the term of “bodywork” as referenced to bodywork professions.

The next Subcommittee meeting will be Wednesday, January 11, 2017 at 1:00 – 3:00 PM EST.

There being no further business, the meeting adjourned at 2:58 PM EST.

Minutes recorded by Johnson and adopted by the Subcommittee on 01/11/2017.

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