

GEORGIA BOARD OF MASSAGE THERAPY
Board Meeting Agenda
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Thursday, August 22, 2019 - 9:00 a.m.

The Georgia Board of Massage Therapy met on Thursday, August 22, 2019. The following members were present:

Board Members Present

Craig Knowles, BAS, LMT, BCTMB, CNMT, Chair
Pam Nichols, LMT, CNMT, HNC, Board Member
Cindy King, LMT, CMT, NMT, Board Member

Board Members Absent

Jennifer Clay, LMT, CNMT, Vice Chair

Visitors Present

Margaret Sharenko, Atlanta School of Massage
Jane Johnson, LMT
Toni Roberts, LMT

Administrative Staff Present

Adrienne Price, Executive Director
Amanda Califf, Licensing supervisor

Attorney General's Office Present

Melissa Tracy, Assistant Attorney General
Kirsten Daughdril, Sr. Assistant Attorney General

Administrative Staff Absent

Michelle Hornaday, Board Support Specialist

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 9:03 a.m.

OPEN SESSION

Agenda

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the meeting agenda as amended.

Petitions for Rule Variance

1. BR 345-8-.03(6) – Guo, Hong Yan

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 345-8-.03(6) based on insufficient evidence to substantiate a substantial hardship and the inability to meet minimum requirements for licensure in accordance with the past or current versions of the statute.

2. BR 345-8-.01(a-f) – Teifel, Akilah

Ms. Nichols motioned, Mrs. King seconded and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 345-8-.01(a-f) based on insufficient evidence to substantiate a substantial hardship and the inability to meet minimum requirements for licensure in accordance with the past or current versions of the statute.

3. BR 345-5-.01(g) – Teifel, Akilah

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 345-5-.01(g) based on insufficient evidence to substantiate a substantial hardship and the inability to meet minimum requirements for licensure in accordance with the past or current versions of the statute.

Petitions for Rule Waiver

1. BR 345-8-.03 – Teifel, Akilah

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-8-.03 based on insufficient evidence to substantiate a substantial hardship the inability to meet minimum requirements for licensure in accordance with the past or current versions of the statute.

2. BR 345-4-.05(c)(ii) – Miller, Stephanie

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 345-4-.05(c)(ii) based on the fact that the petitioner is not subject to the rule. Alternatively, to

the extent that the petitioner is subject to the rule, the waiver is denied due to insufficient evidence to demonstrate a substantial hardship.

Discussion – Fee for School Applications

The Board entered into a discussion regarding establishing the fee for applications for recognition status received from massage therapy educational programs. As an application fee is a requirement of the amended Georgia Massage Therapy Practice Act, the Board considered the current applications and fees on record for programs and licensure for this Board and other licensing boards. Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to post the initial application fee for massage therapy educational program recognition as \$125 and as \$75 for all subsequent renewal applications.

Discussion – Board Rules Chapter 345

The Board entered into the Rules Committee Portion of the meeting. After careful consideration the Committee recommended repealing the current Rules Chapter (Attachment A) and Policies (Attachment B) in their entirety so as to organize them in the same order as they are addressed in statute and present the following Rules Chapter and Board Policy Manual as amended to the full Board for review during the August 30, 2019 meeting.

1. Chapter 345-1-.01. Definitions

The Committee indicated that the purpose of Rule Chapter 345-1. Definitions, is to define and elaborate the meaning of words or entities referenced within the statute and rules. The amended language removes information asymmetries for consumers and makes the statute clear to all stakeholders. In consideration of multiple variations, this formulation ensures better ensures that each stakeholder understands terms and phrases that are used throughout the statute and rules. The amendments afford no restrictions as it only defines terms. The independent support provided for the amendment is the new statute. There is no economic impact for the amendment.

345-1-.01. Definitions

- (1) "Approved Provider" means a provider of continuing education who has been designated as an "Approved Provider for Continuing Education" by the NCBTMB, or another continuing education ("CE") provider approved by the Board in accordance with board rules.
- (2) "Biennial" or "biennium" means two years from the expiration date of the license.
- (3) "Continuing Education" is any learning activity obtained from a board approved provider on topics related to the scope of practice of massage therapy in the state of Georgia and includes structured touch, pressure, movement, and holding to the soft tissue of the body only. Continuing education may include supervised in-person or distance learning activities.
- (4) "Distance learning activity" is continuing education provided by a board approved provider that is not physically present.
- (5) "FSMTB" means the Federation of State Massage Therapy Boards.
- (6) "Hands-on" means direct application of touch, pressure, movement, and holding to the soft tissue of the body of a person while under the direct supervision of a board approved provider.
- (7) "Hour" means one "clock hour" of education that is no less than fifty (50) minutes of any hour during which a student, applicant or licensee participates in a learning activity in the physical presence of an instructor or in a distance learning activity as designed by a board approved provider.

- (8) "MBLEx" means the national Massage & Bodywork Licensing Examination.
- (9) "NCBTMB" means National Certification Board for Therapeutic Massage & Bodywork.
- (10) "NCETM" means National Certification Examination for Therapeutic Massage.
- (11) "NCETMB Examination" means National Certification Exam for Therapeutic Massage & Bodywork.
- (12) "Revocation" means an official cancellation or removal of a license issued by the Board. The practitioner is no longer authorized to practice massage therapy in the state of Georgia. A voluntary surrender of a license shall have the same effect as a revocation.
- (13) "Supervision" means a qualified massage therapist supervisor is physically on-site and immediately available.
- (14) "Voluntary Informed Consent" means that a person has:
- (a) The ability and legal authority to make decisions on behalf of oneself or another;
 - (b) Been informed of the scope of massage therapy, to include therapeutic effects, limitations, risks and contraindications and has expressed an ability to comprehend the information; and,
 - (c) Verbally or explicitly (in writing), without coercion or duress, exercised his or her right, to accept or deny massage therapy.

2. Chapter 345-2. Organization and Administration of the Board

The Committee indicated that the purpose of Rule Chapter 345-2 Organization and Administration of the Board to educate and inform licensees and the general public the selects officers and promulgates rules in order to fulfill their mandate. This section further clarifies and elaborates on powers of the Board and effects all stakeholders equitably. There is no economic impact to the licensees; however, there is some economic impact to the State of Georgia as it relates to the human resources necessary to support and carry out the statutory and regulatory mandates.

345-2-.01. Officers

The Board shall elect annually from its members a chairperson, vice chairperson, and any other officers as deemed necessary, who shall have the privilege of re-election. The Chair shall preside at meetings of the Board. The Vice-Chair shall preside at meetings in the absence of the Chair.

345-2-.02. Rules and Regulations

The Board may promulgate rules and regulations for the conduct of its affairs and for the administration of this Act. Further regulations or amendments will be adopted or amended in accordance with the provisions of the Georgia Administrative Procedures Act.

345-2-03. Fees

(1) Refer to fee schedule for appropriate fees payable to the Board.

(a) An indebtedness to the Board caused by a returned check will be dealt with in accordance with Code Section 16-9-20 of the Criminal Code of Georgia;

(b) Fees may be reviewed and changed at the discretion of the Board;

(c) Application fees are non-refundable.

(2) Fees may be charged for the following:

(a) Applications for Licensure;

(b) Provisional Permits;

(c) Applications for Massage Therapy Educational Programs;

(d) Renewal for Licensure and Massage Therapy Educational Programs;

(e) Late/Lapsed Renewal;

(f) Reinstatement and Reactivation;

(g) Duplicate license and/or identification card. If a name change occurs, and the licensee wishes to submit a request for a duplicate card, licensee must submit the request in writing to the Board, and include a copy of either a marriage certificate or court order and the required fee. Name changes occurring during the renewal period may be processed without additional fee if a copy of the marriage certificate or court order is attached to the paper application for license renewal (name change can not be done via on-line renewal process);

(h) License verification;

(i) Wall Certificate; Duplicate Wall Certificate;

(j) Any additional fee the Board deems appropriate.

3. Chapter 345-3. Applications for Licensure, Provisional Permits & Endorsement

The Committee noted that the purpose of Chapter 345-3 is to clarify the requirements and qualifications for licensure by the various application types. The amendments will help to ensure that only qualified persons are licensed. The updated language will prevent unsafe practices which will maintain and provide for competent practitioners. By removing asymmetries for applicants the amendments carry out policy objectives and ultimately enables qualified applicants to enter into the workforce.

The Committee considered multiple variations of the rule in comparison to other state statutes and determined that the amendments are the least restrictive. The independent support considered is from NCBTMB and AMTA standards, and the statute. The rule amendment will affect all applicants for licensure in like manner. Whereas there have always been fees associated with applications for licensure, it is to be noted that an additional economic consideration is the requirement that each licensee possess liability insurance; however, this new requirement carries

out policy objectives expressed in the statute. The new requirement also serves to protect the licensee and the public by paying claims and damages should the licensee cause injury to other people.

In addition to the considerations noted for this entire rule chapter, the Committee identified some additional considerations for Board Rules 345-3-.02. Provisional Permits, 345-3-.03 Endorsement and 345-3-.04 Endorsement for Military Spouses, Service Members and Transitioning Service Members. The language in this rule serves to prevent and prohibit unsafe practices by individual licensed who are licensed in other jurisdictions and are not familiar with the laws and rules governing the practice of massage therapy in the state of Georgia. The rule accomplishes this by providing appropriate oversight and supervision by competent practitioners who hold a license to practice in Georgia. An additional purpose for the proposed amendment is to expand access to care and services. This allows for more people to enter into the workforce to provide services, particularly in some underserved areas of the state. The rule is the least restrictive and will affect persons applying for the permit as well as the supervisor of the permit holder.

There is a positive economic impact in that it puts more people into the work force thus allowing more people to practice and improving access to care.

345-3-.01. Application for Licensure

(1) In addition to the information required in the application, the applicant must also provide or complete the following:

(a) Proof of citizenship, permanent residency or lawful presence in the United States;

(b) Evidence of current liability insurance coverage as required in Code Section 43-24A-8 upon request by the board;

(c) Official verification from NCBTMB (National Certification Board for Therapeutic Massage and Bodywork) or FSMTB (Federation of State Massage Therapy Boards) showing applicant has passed the NCBTMB National Certification Exam for Therapeutic Massage (NCETM) or National Certification Exam for Therapeutic Massage & Bodywork (NCETMB), or the FSMTB Massage & Bodywork Licensing Exam (MBLEx), or an exam deemed equivalent by the Board or equal to the NCETMB, NCETM or the MBLEx; and,

(d) Applicants educated within the United States:

1. Submit an official, certified transcript from the applicant's school or program;

2. The transcript must show successful completion (graduation) of all massage therapy education hours which were obtained from a board-recognized massage therapy educational program in accordance with board rules chapter 345-8;

3. The Board will not accept a transcript which is not presented in clock hours unless the school or program has achieved recognition status with the Board or has provided a transcript which includes the conversion for semester or credit hours to clock hours; or,

(e) Applicants educated outside the United States:

1. Provide a credential evaluation report, in English, completed by a verifiable credential evaluation entity subject to the Board's approval to include:

- (i) A certified copy of the school transcript translated into English;
 - (ii) Certified translations including the name and contact number of the person completing and approving the credential evaluation report; and,
 - (iii) The credential evaluation report shall include verification that the massage therapy educational entity providing the transcript to the applicant of the education was licensed, recognized or approved by a government, country, province or territory's educational commission, regulatory body or other verifiable official.
- 2. Official verification of passage of one of the following national exams: MBLEx, NCETMB, or NCETM.
 - 3. The Board reserves the right to recognize and consider mitigating circumstances with regard to the provision of educational information within compliance with this rule.

345-3-.02. Provisional Permit Applications and Requirements

- (1) In addition to the information required in the application, all provisional permit holders shall provide proof of citizenship, permanent residency or lawful presence in the United States and work under the direct "supervision," as defined in Rule 345-1-.01(18), of a licensed Georgia Massage Therapist. The proposed supervisor must:
 - (a) Hold a current, unencumbered license to practice in the state of Georgia issued by the Board;
 - (b) Not have had any disciplinary actions ever taken against a license by any Board;
 - (c) Be physically on-site and immediately available;
 - (d) Report any disciplinary action(s) taken in any other state against their license(s) or the license(s) or permits of the Georgia provisional permit holder within ten (10) business days to the Board; and,
 - (e) A Georgia licensed Massage Therapist can only supervise one provisional permit holder at any given time.
 - (f) Report any violations of the laws and rules governing the practice of massage therapy in the state of Georgia committed by the provisional permit holder.
- (2) A Provisional Permit will expire six months from issuance date, or, when/if the provisional permit holder receives a Georgia Massage Therapy license, upon meeting the qualifications of O.C.G.A. § 43-24A-8. If a provisional permit holder applies for and is issued a Georgia Massage Therapy license before the six (6) month expiration date of the provisional permit, the provisional permit shall expire on the date of issuance of the Georgia Massage Therapy license.

- (3) Provisional Permits are non-renewable. Individuals may apply for a new provisional permit to be issued by following the above stated guidelines.
- (4) A provisional permit may be voided if the Board determines that the person holding such permit no longer meets one or more of the criteria set forth in subsection (a) of § O.C.G.A. 43-24A-9 Provisional Permits or is found to have violated any of the Board's laws or rules.
- (5) A provisional permit issued pursuant to subsection (a) of § O.C.G.A. 43-24A-9 Provisional Permits shall expire on the same date as a license issued under this chapter to a holder of a provisional permit who has passed the examination pursuant to Code Section 43-24A-8.
- (6) Neither the denial or sanction of a provisional permit shall be considered to be a contested case within the meaning of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act"; notice and hearing within the meaning of said chapter shall not be required, but the applicant or licensee shall be allowed to appear before the board if he or she so requests.

345-3-.03. 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 whose licensure requirements are substantially 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 provide the following:
 - (a) All supporting documents must be provided to the Board in the English language. Documents must be translated by a reputable source subject to the discretion of the Board; and,
 - (b) Verification that an applicant is at least 18 years of age; and,
 - (c) Has a high school diploma, GED, or recognized equivalent; and,
 - (d) Proof of citizenship, permanent residency or lawful presence in the United States, and,
 - (e) Has provided evidence of current liability insurance coverage as required in Code Section 43-24A-8.
 - (f) Has a satisfactory result from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. The applicant shall be responsible for all fees associated with the performance of such background check (see instructions on how to register and complete the fingerprint record check in the Application/Form Downloads section of the Board website); and,

(g) 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.

(h) All massage therapy education hours must have been obtained from a program which had an active, unencumbered National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) School Provider Code during the time that the hours were achieved and meets the requirements codified in O.C.G.A. § 43-24A-3.(4).

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

345-3-.04. Endorsement for Military Spouses, Service Members and Transitioning Service Members

(1) As used in this rule, the following terms shall mean:

(a) "Military" means the United States armed forces, including the National Guard.

(b) "Military spouse" means a spouse of a service member or transitioning service member.

(c) "Service member" means an active or reserve member of the armed forces, including the National Guard.

(d) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) Effective July 1, 2017, military spouses, services members and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied.

4. Chapter 345-4. Renewal, Continuing Education, Inactive Status & Reinstatement

The Committee noted that the purpose of Rules Chapter 345-4. Renewal, Continuing Education, Inactive Status & Reinstatement is to carry out the provisions of the statute to prevent unlicensed and unsafe practices by holding licensees accountable for maintaining an active license and continuing their professional development. In doing so there is an increased sense of trust between all stakeholders, the licensees, the patients and the Board as the regulatory body. This rules chapter also removes asymmetries for applicants and licensees by clarifying requirements for license renewal, inactive status, reactivation and reinstatement of a license. There is a reduction in barriers to licensure as the timeframe for which one can remain in an inactive or expired/revoked status has been extended. The chapter also treats all individuals seeking licensure by any method addressed in this chapter more equitably by ensuring that they each meet similar requirements when the license has been inactive or lapsed for a designated period of time.

The Committee considered multiple variations in comparison to other state statutes and determined that the version submitted for approval is the least restrictive. The independent support considered is the statute. The rule amendment will affect all applicants for licensure as well as the general public. The economic impact can be positive in that those who achieve licensure by these methods become gainfully employed and benefit from as well as contribute to the economy. They may also have a negative economic impact if the person applying fail to meet any of the requirements which are based on provisions of the statute. In such cases the person may become the subject of disciplinary action or may not be able to return to practice until requirements are met. As the requirements are applied equitably, the Committee feels that the negative economic impact is negligible as persons can avoid the negative impact if all requirements are met.

345-4-.01. License Renewal

- (1) Licenses issued by the Board shall expire on October 31st of every even numbered year.
- (2) It is the responsibility of each licensee to apply to renew his or her license and complete the license renewal application prior to the license expiration date regardless of whether the licensee receives a renewal notice from the board.
- (3) Each applicant seeking renewal of a license shall be required to submit a complete application approved by the board, to include any additional documentation the application requires, on or before October 31st of every even numbered year. On the renewal application each applicant shall certify that he or she has maintained liability insurance coverage as required in Code Section 43-24A-8 and must provide evidence of such upon request by the board.
- (4) If an applicant submitted a complete renewal application and fee on or before October 31st of every even numbered year, the license status shall change to “Active-Renewal Pending” while the board staff awaits the receipt of any additional documentation the application requires.
 - (a) “Active-Renewal Pending” means:
 1. That the applicant has made a timely and sufficient application for the renewal of a license; and,
 2. The existing license does not expire until:
 - (i) The application has been finally determined by the board; and,
 - (ii) In case the application is denied or the terms of the license are limited, until the last day for seeking review of the agency order or at a later date fixed by order of the reviewing court as stated in O.C.G.A. § 50-13-18(b); and,
 3. Applicants may continue to practice while the license is in “active-renewal pending status.”
- (5) An applicant for license renewal will be notified in writing if an application is deemed incomplete and insufficient by the board. Applicants will be instructed to submit additional and supplemental documentation within a designated timeframe. Failure to comply with the board’s request within the designated timeframes may result in the revocation of the license.

- (6) An applicant who does not submit a complete application and fee to renew said license by October 31st of every even numbered year shall be granted a period of thirty (30) days to submit a late renewal application. Individuals must not practice as a massage therapist during this lapsed-late renewal period and may not resume practice until the Board grants the renewal. The practice of massage therapy without a license in an active status in Georgia is prohibited.
- (7) Late renewal applications shall be processed after submission of the renewal form, payment of the renewal fee, late renewal penalty fee, proof of twenty-four (24) hours of continuing education as approved by the board, evidence of current liability insurance coverage as required in Code Section 43-24A-8 and any additional documentation the application requires.
- (8) 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 and, 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.
- (9) Failure to submit a complete renewal application during the designated renewal and late renewal periods shall have the same effect as a revocation of said license and shall be subject to reinstatement only after receipt of the reinstatement application and fee at the discretion of the board.

Rule 345-4-.02. Continuing Education Hours

- (1) As a condition for renewing his or her license for each biennium, every massage therapist licensed pursuant to Chapter 24A of Title 43 of the Official Code of Georgia Annotated shall be required to complete a minimum of twenty-four (24) continuing education (CE) hours, related to the practice of massage therapy, as codified in O.C.G.A. § 43-24A-3(9), except as otherwise provided for in this chapter. The continuing education must be obtained from an approved provider and include structured touch, pressure, movement, and holding to the soft tissue of the body only.

 - (a) Only continuing education hours obtained after the issuance of a license may be submitted to meet the requirements for license renewal.
 - (b) Twelve (12) of the total twenty-four (24) CE Hours must include direct, hands-on supervised instruction; and,
 - (c) The remaining twelve (12) CE Hours may include direct hands-on supervised instruction or other massage therapy related CE hours.
 - (d) CE Hours for renewal must be obtained during the biennium, beginning November 1st through October 31st.
 - (e) For the purposes of this rule the course must include seventy percent (70 %) of hands-on experience/demonstration in order to qualify as direct, hands-on supervised instruction.
- (2) The board only accepts continuing education coursework from Continuing Education Providers who:

 - (a) Have a current, unencumbered National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) Continuing Education Provider Number;
 - (b) Has been licensed as a massage therapist or other healthcare professional for a minimum of five (5) years;
 - (c) Holds a current, unencumbered license(s) to practice as a massage therapist or other healthcare professional;
 - (d) Has not had any disciplinary actions taken against their license(s) by any board;
 - (e) Offers continuing education courses which meet the requirements established by the board.
- (3) Persons licensed to practice as a massage therapist or who shall file an application to practice as such in this state are to maintain a record of completed continuing education courses and experiences by registering with an online recording and reporting system approved by the Board.

 - (a) For the purposes of this requirement, the Georgia Board of Massage Therapy adopts the utilization of CE Broker, Inc.

- (b) Licensees and applicants shall incur no additional costs from CE Broker, Inc. for this service.
- (c) Every licensee or applicant subject to the rules of the Georgia Board of Massage Therapy shall be deemed to have given such person's consent to the Board and its representatives to access their continuing competence record retained within the online database for the purposes of auditing and verifying completion of the Board's continuing competency requirements.
- (d) Each licensed massage therapist shall be responsible for maintaining records of attendance and supporting documents for continuing education activities for a period of four years (two renewal cycles).
- (e) Documentation of completed continuing education hours which the Board deems to be acceptable proof or verification of completion shall include, but not be limited to, the following:
1. Attendance and participation at a live presentation such as a workshop, seminar, conference or direct hands- on client care educational program: A certificate of completion or similar documentation that includes a massage therapist license number and the approved provider's number, signed or verified by a program official, and a program or course 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 a massage therapist license number and the approved provider's number, signed or verified by a 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 internet courses.
 3. Correspondence Courses: A certificate of completion or similar documentation, including a massage therapist license number and the approved provider's number signed or verified by a 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 video in a professional setting, satellite broadcasts, or computer learning activities. Documentation must include:
 - (i) Verified instructional time by the course sponsor, a certificate of completion or similar documentation that is signed or verified by program official; and,

- (ii) A program description including sponsor, course title, date, program objective or learning outcomes, and description of program content.
- (4) 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.
- (5) If the license was issued within the first year of the biennium, the licensee is required to complete 24 hours of continuing education as defined in paragraph one (1) subparagraphs (a) through (e) of this rule in order to renew the license.
- (6) If the license was issued within the second year of the biennium, the licensee is required to complete 12 hours of continuing education to renew the license.
- (a) 6 of the total 12 CE Hours must include direct hands-on supervised instruction; and,
- (b) The remaining 6 CE Hours may include direct hands-on supervised instruction or other approved massage therapy activities compliant with paragraph (1) of this rule.

Rule 345-4-.03. Continuing Education Providers

In addition to the previous considerations for this entire rule chapter, the Committee entered into additional discussion as it relates to Board Rule 345-4-.03. Continuing Education Providers. The purpose for this rule is to develop and enforce standards for continuing education. Proof of continuing education and the need for the Board to promulgate rules regarding continuing education requirements Rule 345-4-.03. Continuing Education Providers he is statutory. The remainder of this rules chapter also establishes qualifications for the providers of continuing education which is acceptable by the Board and ensures that the providers are qualified to educate licensees about ways to incorporate continuing education into massage therapy practice. By establishing the qualifications of the continuing education providers and the courses within the rules, the rule safeguards each stakeholder by clearly outline the responsibilities of each stakeholder, both in selecting and teaching courses that are applicable to the scope of definition of massage therapy in the State of Georgia.

The Committee considered multiple variations of which this is the least restrictive. The independent support for accepting courses taught by qualified, licensed healthcare providers and instructors is based on NCBTMB, AMTA and the AFMTE (Alliance For Massage Therapy Education) due to their teacher certifications, as well as national standards for other healthcare professions. The independent support for only accepting coursework directly related to the scope of practice as defined in statute can be found in the statutes and rules of other healthcare professions within the state of Georgia. Whereas there are a multitude of course offerings that may produce personal growth and contribute to one's marketability, they do not ensure safe and effective practices in the provision of massage therapy as defined in statute.

The amended rule will affect licensees and continuing education providers. There is a positive economic impact as this ensures that providers are qualified to teach the courses and follow NCBTMB standards. This results in the continued practice of competent and safe practitioners which equates to public safety and compliance with national standards across healthcare professions.

As there is no shortage of offerings of board approved continuing education by providers who meet the outlined qualifications, the committee noted the potential for a negative economic impact to a provider who may not meet the qualifications to teach.

Rule 345-4-.03. Approved Continuing Education Providers

- (1) The Board only accepts coursework from Continuing Education Providers who:
 - (a) Had a current, unencumbered National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) Continuing Education Provider Number at the time that the course was provided. Continuing Education Providers recognized by the NCBTMB may be located by contacting the NCBTMB directly or by searching their website, www.ncbtmb.org;
 - (b) Have been licensed as a massage therapist or other healthcare professional for a minimum of four (4) years;
 - (c) Holds a current, unencumbered license to practice as a massage therapist or other healthcare professional;
 - (d) Have not had any disciplinary actions taken against their license by any Board;
 - (e) Offers continuing education courses that are related to the scope of practice of massage therapy as defined in O.C.G.A. § 43-24A-3(9) and includes structured touch, pressure, movement, and holding to the soft tissue of the body only.
- (2) In order for the Board to accept documentation of continuing education from a NCBTMB Approved Continuing Education Provider, the following requirements must be met:
 - (a) The name/title of the course listed on the certificate of completion must be present on the list of courses that NCBTMB has authorized that CE Provider to teach under the associated approved provider number.
 - (b) On the date of completion for each course, the provider must provide a certificate of completion to each student/attendee who successfully completed all of the course requirements.
 - (c) The provider must record course credit information on CE broker within seven (7) days of completion of the course for all class attendees which hold a Georgia license.
 - (d) The provider must have entered information relevant to the program or course to include but not limited to a description, program objective/learning outcomes, content description, and agenda or schedule into CE Broker.
- (3) In addition to the above requirements, all CE certificates of completion must include the following information:
 - (a) The name of the attendee and their license number;
 - (b) The complete name/title of the course;

- (c) The date(s) the attendee took and completed the course;
 - (d) The number of continuing education hours awarded for the course;
 - (e) The printed name and signature of the instructor for the course;
 - (f) The NCBTMB Approved Provider Name, Provider Number and expiration date;
 - (g) The location or site of the course, i.e. Home Study, Self-Study, Internet, Webinar, WebEx, or the physical address where the live course was taught; and,
 - (h) If the course is being submitted to meet the direct hands-on supervised instruction requirement, the certificate must denote that it is a hands-on course. In order for the course to receive hands-on credit, 70% of the course must include direct application of touch, pressure, movement, and holding to the soft tissue of the body.
- (4) Providers who fail to report the CEs in accordance with this rule will be removed from the list of approved NCBTMB providers for this state and reported to NCBTMB for noncompliance.
- (5) A licensee may not claim any CE hours which do not match corresponding course credit information recorded in CE Broker.

Rule 345-4-.04. Inactive Status

- (1) Prior to the license expiration date licensees may request by application that their active license to practice as a massage therapist in Georgia be placed on inactive status. There is no fee to apply for inactive status. Applications for Inactive Status will not be considered if the license is no longer in an active status and the application is date stamped in the Board office on or after November 1st of every even numbered year.
- (2) An individual whose license status is inactive shall not practice as a massage therapist within the state of Georgia.
- (3) A person whose license is under any investigation, is the subject of active disciplinary proceedings or has a sanction in effect is not eligible to submit an application for an inactive status.
- (4) Licensees who wish to reactivate their massage therapy license shall submit a complete application for reactivation of licensure to the Board.
- (5) If a license has been inactive in Georgia:

 - (a) For less than five (5) years; or,
 - (b) The licensee is the holder of a current massage therapy license(s), in good standing, in another state, jurisdiction or territory; and,

 1. The licensee held and maintained said license(s) in an active status before the submission of an inactive status application; and,
 2. The requirements for licensure in the other state, jurisdiction or territory are greater than or equal to the requirements in Georgia, the licensee must:

 - (i) Meet the requirements for renewal of licensure pursuant to Rule 345-4-.01, excluding the late renewal penalty fee; and,
 - (ii) Obtain all required CE hours within one year prior to the date the board received the Reactivation Application, or thereafter.
- (6) If a license has been inactive in Georgia for a period of five (5) years or more, the licensee must meet the requirements for reinstatement pursuant to Rule 345-4-.05(c)(2)(ii).

Rule 345-4-.05. Reinstatement of a License

- (1) An applicant who was issued a license under the grandfather provision referenced in O.C.G.A. § 43-24A-19(a)(9) may not reinstate the license unless the applicant meets the current requirements for licensure.
- (2) Reinstatement of a revoked or lapsed license that was not issued under the grandfather provision referenced in O.C.G.A. § 43-24A-19(a)(9) is within the discretion of the Board.
- (3) An applicant for reinstatement of a revoked or 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 a citizen or permanent resident of the United States or can demonstrate lawful presence in the United States; and,
 - (b) Has provided evidence of current liability insurance coverage as required in Code Section 43-24A-8.
 - (c) Has a satisfactory result from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. The applicant shall be responsible for all fees associated with the performance of such background check (see the Fingerprint COGENT-GAPS Instructions on the Board website under the Application Downloads link).
 - (d) If the license has been revoked or lapsed for:

 1. Less than five (5) years, the applicant must meet the requirements of Rule 345-3-.02 and submit evidence of completion of twenty-four (24) hours of board approved continuing education, in accordance with Board Rule 345-4-.03, obtained within one (1) year of the date of the reinstatement application was received by the board, or thereafter; or,
 2. Five (5) years or more, the applicant must meet the requirements of Rule 345-3-.0; and,

 - (i) Submit evidence of completion of twenty-four (24) hours of Board approved continuing education, in accordance with Board Rule 345-4-.03, which was obtained within one (1) year of the date of the reinstatement application was received by the board, or thereafter; and,
 - (ii) Verification of having passed the MBLEx, within twelve (12) months of the date the reinstatement application is received by the board, or thereafter. This requirement may be waived at the discretion of the Board if the applicant demonstrates that he or she has an active license(s), in good standing, to practice massage therapy in another state, jurisdiction or territory with licensure requirements greater than or equal to the requirements in Georgia.

- (4) The continuing education hours used for the reinstatement of a license cannot be used to meet the continuing education hours required for the biennium during which the license was reinstated.
- (5) The Board may impose any limits, sanctions, restrictions or other disciplinary actions as a condition of reinstatement it deems necessary.
- (6) The Board may require additional verification of any requirements or credentials as the Board may deem necessary.

5. Chapter 345-5. Professional and Unprofessional Conduct, Scope of Practice of Massage Therapy Students

The Committee noted that Board Rules Chapter 345-5. Professional and Unprofessional Conduct, Scope of Practice of Massage Therapy Students exists to clarify that which the Board considers professional and unprofessional conduct in accordance with the minimum reasonable standards of care, skill and safety in this state and nationally. The rules educate licensees and the general public about acceptable and prevailing practice and what should be expected of each licensed massage therapist and massage therapy student. The rules in this chapter also serve as a deterrent to unsafe practices. There is no economic impact if licensees comply with the requirements. There is a potential negative economic impact to those licensees and students who do not comply as he or she may be subject to disciplinary action.

345-5-.01. Professional and Unprofessional Conduct

- (1) Georgia Licensed Massage Therapists shall:
 - (a) Comply with recognized professional standards for the practice of massage therapy and client quality of care.
 - (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.
 - (c) Maintain accurate and truthful records within recognized professional standards for the practice of massage therapy.
 - (d) Accurately inform clients, other health care practitioners, and the public about the scope and limitations of the practice of massage therapy, including the limitations of and contraindications for massage therapy.
 - (e) Refer clients to appropriate health professionals when treatment needed by the client is beyond the scope of massage therapy practice according to recognized professional standards.
 - (f) Perform massage therapy only after the client has provided their voluntary informed consent. On an initial visit, such consent shall be provided in a written format. On subsequent visits, informed consent may be in written or verbal form and documented as such.

- (g) Immediately comply with the client's expressed request to refuse, modify, or terminate the performance of massage therapy, regardless of any prior consent.
- (h) Provide draping and treatment consistent with client safety, comfort, and physical and emotional privacy in compliance with recognized professional standards of massage therapy practice.
- (i) Refuse to treat any person or part of the body if such treatment is not lawful, does not comply with recognized professional standards of massage therapy practice, or is not in the best interest of the client.
- (j) Not violate client boundaries regarding privacy, disclosure of personal information, physical exposure, nudity, or sexual activity.
- (k) Not accept any gifts, compensation, or benefits that are intended to influence a referral, decision, or treatment that is not within recognized professional standards of massage therapy practice, including treatment that is not in the best interest of the client.
- (l) Notify the Board, electronically or on forms approved by the Board, of any changes in the following information within thirty (30) days of such change:

 - 1. Physical address;
 - 2. Mailing address;
 - 3. Email address;
 - 4. Telephone number(s); and,
 - 5. Legal Name Change. Name change requests must be accompanied by legally certified documentation reflecting the change.
- (2) Unprofessional conduct shall also include, but not be limited to, the following:

 - (a) Practicing massage therapy without a valid license or with an expired license;
 - (b) Failing to comply with requirements for professional continuing education;
 - (c) Performing any act which knowingly aids, assists, procures, advises or encourages an unlicensed person to practice massage therapy.
 - (d) Failing to display a massage therapist's license certificate issued by the Board, or a photocopy thereof, in an appropriate and public manner easily and readily available for public view at each location the licensee practices;
 - (e) Violation of, or noncompliance with, any of the following:

 - 1. The Georgia Massage Therapy Practice Act;
 - 2. NCBTMB Code of Ethics and Standards of Practice;
 - 3. Rules promulgated by the Georgia Board of Massage Therapy;

4. Any Consent Order or Agreement entered into with the Georgia Board of Massage Therapy or other licensing board or agency; and,
 5. Any Order issued by the Office of State Administrative Hearings.
- (f) Failing to maintain appropriate records and to safeguard the confidentiality of records regarding clients, their treatment, their personal information, and client referral to other medical or health professionals, unless disclosure or release of such confidential information is requested by the client in writing or is required by law.
 - (g) Falsifying, altering, destroying, or changing records in contemplation of an investigation by the board, a governmental office, regulating agency, or lawsuit filed by a patient.
 - (h) Using improper or unfair measures or false information to draw patronage from the practice of another massage therapy licensee.
 - (i) Initiating or engaging in any sexual conduct, sexual activities, sexualizing behavior or sexually oriented business involving a massage therapy client or pertaining to the practice of massage therapy. For the purpose of this rule, sexually oriented business shall mean, but not be limited to, a sex parlor, massage parlor, adult bookstore, adult movie theater, adult video store, adult motel spa alluding to sexual content or services, other commercial business which offer items or services to provide sexual stimulation or gratification which is associated with massage therapy.
 - (j) Knowingly making misleading, deceptive, untrue or fraudulent representations in an application for licensure, reinstatement, or licensure renewal filed with the board, in a document pertaining to the practice of massage therapy, the filing of any insurance claim, or in any document in connection therewith.
 - (k) Discriminating against clients on the basis of gender, age, race, national origin, religion, disability, or sexual preference.

345-5-.02. Scope of Practice of Massage Therapy Students

- (1) A person pursuing a course of study leading to a degree or certificate as a massage therapist in an educational program recognized by the board may engage in the practice, services, or activities of massage or massage therapy when such person is:
 - (a) Actively enrolled in a massage therapy program or school recognized by the Board;
 - (b) Designated by title indicating student status and shall not represent themselves as a massage therapist or massage practitioner;
 - (c) Fulfilling uncompensated work experiences required for the attainment of the degree or certificate at the Board recognized massage program location or community events supervised by the Board recognized massage program faculty or staff. For the purpose of this rule "uncompensated" means a person in student status may not intentionally or knowingly agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, in the form of payments, gifts, tips, remuneration, recompense, or rewards to or from any person or entity for services rendered while in student status.
- (2) The primary responsibility for the services provided for clients by the designated student rests with the faculty or staff who are licensed massage therapists.
- (3) Documentation of all services for clients and treatment plans must be reviewed and approved by the faculty or staff who are licensed massage therapists.
- (4) Action may be brought against any massage therapy student, licensee, person, business or entity who performed any act which in any way aids, assists, procures, advises, or encourages massage therapy practice which is outside of the scope of a massage therapy student.

Mrs. King motioned, Ms. Nichols seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §§ 43-1-2 (k); 43-1-19 (h) and 50-14-2 (1) to receive and review information pertaining to applications, pending cases, investigative reports and enforcement matters and to receive the Assistant Attorney General's report. Voting in favor of the motion were those present who included Board members: Craig Knowles, Pam Nichols and Cindy King.

At the conclusion of Executive Session on Thursday, August 22, 2019, Mr. Knowles declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were taken during executive session.

OPEN SESSION

Attorney General's Report – M. Tracy

Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's Report as presented.

Miscellaneous Executive Discussion

1. **MT190030** Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the Voluntary Surrender and close the case.

2. **MT190096** Mrs. King motioned, Ms. Nichols seconded and the Board voted unanimously in favor of the motion to accept the agreement upon receipt.

Adjournment With no further business to be discussed, the meeting was adjourned at 4:04 p.m.

Minutes recorded by: Amanda Califf, Licensing Supervisor

Minutes reviewed and edited by: Adrienne Price, Executive Director

Minutes approved on: August 30, 2019

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR

ATTACHMENT

A

~~Rule 345-1-.01. Definitions~~

- ~~(1) "Advertise" shall mean, but is not limited to, the issuance or distribution of any card, sign or other device, or causing, allowing or permitting the issuance or distribution of any card, sign or other device through or by means of any form of media, electronic or telephonic medium, printed material, public distribution, announcement or placement in any physical building or structure.~~
- ~~(2) "Applicant" means any person seeking licensure under this chapter.~~
- ~~(3) "Approved Provider" (of Continuing Education hours) means a provider that has been designated as an "Approved Provider for Continuing Education" by the NCBTMB, or another continuing education ("CE") provider approved by the Board.~~
- ~~(4) "Board" means the Georgia Board of Massage Therapy.~~
- ~~(5) "Clock Hour" means one "clock hour" of continuing education that is no less than 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 as designed by an approved provider.~~
- ~~(6) "FSMTB" means the Federation of State Massage Therapy Boards.~~
- ~~(7) "License" means a valid and current certificate of registration issued by the Board.~~
- ~~(8) "Licensee" means any person holding a license.~~
- ~~(9) "Massage Therapist" means any person who administers massage or massage therapy for compensation.~~
- ~~(10) "Massage Therapy" has the same meaning as found in O.C.G.A. § 43-24A-3(8).~~
- ~~(11) "MBLEx Examination" means Massage & Bodywork Licensing Examination that is offered by the FSMTB.~~
- ~~(12) "NCBTMB" means National Certification Board for Therapeutic Massage & Bodywork.~~
- ~~(13) "NCETM Examination" means National Certification Examination for Therapeutic Massage.~~
- ~~(14) "NCETMB Examination" means National Certification Exam for Therapeutic Massage & Bodywork.~~
- ~~(15) Sexually Oriented Business—For the purposes of these rules, sexually oriented business shall mean, but not be 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.~~
- ~~(16) "Supervision" means a qualified massage therapist supervisor is physically on-site and immediately available.~~

~~Cite as Ga. Comp. R. & Regs. R. 345-1-.01~~

~~Authority: Authority O.C.G.A. Secs. 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-11, 43-24A-13, 43-24A-14, 50-13-3.~~

~~History:~~ Original Rule entitled "Definitions" adopted. F. July 5, 2007; eff. July 25, 2007.

~~Repealed:~~ New Rule of same title adopted. F. Mar. 9, 2009; eff. Mar. 29, 2009.

~~Rule 345-2-.01. Organization of the Board~~

- ~~(1) The Georgia Board of Massage Therapy shall consist of five (5) members to be appointed by the Governor with the approval of the Senate. Each member of the Board shall be a resident of this State. Four members shall be professional members and one shall be a consumer member of the Board.~~
- ~~(2) The public may obtain information and submit requests at the Office of the Division Director, Professional Licensing Boards Division.~~

~~Cite as Ga. Comp. R. & Regs. R. 345-2-.01~~

~~Authority: Authority O.C.G.A. Secs. 43-1-3, 43-1-25, 43-24A-4, 43-24A-5, 50-13-3.~~

~~History: Original Rule entitled "Organization of the Board" adopted. F. Dec. 13, 2006; eff. Jan. 2, 2007.~~

~~Rule 345-2-.02. Officers~~

~~The Board shall elect annually from its members a chairperson, vice chairperson, and any other officers as deemed necessary, who shall have the privilege of re-election. The Chair shall preside at meetings of the Board. The Vice Chair shall preside at meetings in the absence of the Chair.~~

~~Cite as Ga. Comp. R. & Regs. R. 345-2-.02~~

~~Authority: Authority O.C.G.A. Secs. 43-1-25, 43-24A-6, 50-13-3.~~

~~History: Original Rule entitled "Officers" adopted. F. Dec. 13, 2006; eff. Jan. 2, 2007.~~

~~Rule 345-2-.03. Meetings of the Board~~

- ~~(1) The Board shall meet at least once each year at a time fixed by the Board. In addition, the Board may hold additional meetings at the call of the Chair, or, at the request of any two (2) members of the Board or as approved by the Division Director.~~
- ~~(2) Minutes shall be kept of all Board meetings and shall become the official minutes only upon approval by the Board.~~
- ~~(3) All meetings of the Board shall be open to the public; provided, however, that the Board may hold Executive Sessions as authorized by law.~~
- ~~(4) The Board shall have the authority to:
 - ~~(a) Examine and determine the qualifications for licensure to practice massage therapy in this state;~~
 - ~~(b) Issue, renew, refuse to renew, deny, suspend or revoke licenses to practice massage therapy, or otherwise discipline licensed massage therapists;~~
 - ~~(c) Conduct investigations for the purpose of discovering violations to the Act, or grounds for disciplining persons licensed under this chapter;~~
 - ~~(d) Hold hearings;~~
 - ~~(e) Adopt, revise and enforce rules concerning advertising;~~~~

~~(f) Adopt an official seal;~~

~~(g) Bring proceedings to the courts for the enforcement of this chapter or any rules and regulations promulgated pursuant to this chapter.~~

~~(5) In addition to the enumerated powers in subsection (4)(a)-(g) of this rule, the Board has the authority to conduct its business pursuant to the provisions of O.C.G.A. Title 43, Chapter 1.~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-2-.03**~~

~~**Authority:** Authority O.C.G.A. Sees. 43-1-19, 43-1-25, 43-24A-4, 43-24A-7, 50-13-3.~~

~~**History:** Original Rule entitled "Meetings of the Board" adopted. F. Dec. 13, 2006; eff. Jan. 2, 2007.~~

~~**Rule 345-2-.04. Rules and Regulations**~~

~~The Board may promulgate rules and regulations for the conduct of its affairs and for the administration of this Act. Further regulations or amendments will be adopted or amended in accordance with the provisions of the Georgia Administrative Procedures Act.~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-2-.04**~~

~~**Authority:** Authority O.C.G.A. Sees. 43-1-25, 43-24A-4, 43-24A-18, 50-13-3.~~

~~**History:** Original Rule entitled "Rules and Regulations" adopted. F. Dec. 13, 2006; eff. Jan. 2, 2007.~~

~~**Rule 345-3-.01. Provisional Permits**~~

~~(1) The applicant for issuance of a provisional permit as a massage therapist to practice in Georgia under direct supervision shall submit an application on a form approved by the Georgia Board of Massage Therapy (hereinafter, the "Board"), the required fee, and evidence satisfactory to the Board that the applicant:~~

~~(a) holds a current active, unencumbered license to practice as a massage therapist in another state:~~

~~1. applicants for a provisional permit must request their licensing state provide **directly** to the Georgia Board a verification of licensure. If applicant holds, or has ever held, licenses in more than one state, each state of licensure must also provide verification of licensure, current or not, directly to the Board.~~

~~2. the verification of current licensure in another state must include the expiration date of the license and if there are currently, or have ever been, any public disciplinary actions taken against the license and/or licensee. This requirement applies to all license verifications submitted (see number 1 above);~~

~~3. applicants for a provisional permit in Georgia shall not have ever had a license or permit to practice as a massage therapist voided, revoked, suspended, or annulled by another state;~~

4. applicants for a provisional permit in Georgia shall not ever have been convicted of a felony in the courts of the licensing state, any other state, territory, or country, or in the courts of the United States, including, but not limited to, a plea of nolo contendere entered to such charge or the affording of first offender treatment to any such charge.
- (b) the applicant has satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. The applicant shall be responsible for all fees associated with the performance of such background check;
- (c) is **NOT** a resident of the state of Georgia as confirmed in a secure and verifiable document, as defined in Code Section 50-36-2.
- (2) All provisional permit holders shall work under the direct supervision of a licensed Georgia Massage Therapist. The proposed supervisor must hold a current, unencumbered license to practice in the state of Georgia issued by the Board, with no disciplinary actions having ever been taken by the Board against the proposed supervising licensee; In addition,
- (a) the supervising Georgia licensee shall report within ten (10) days to the Board any disciplinary action(s) taken in any other state against a GA provisional permit holder occurring during supervision period(s), or, against the supervisor themselves should any other state license held by the supervisor be sanctioned or disciplined.
- (3) A Provisional Permit will expire six months from issuance date, or, when/if the provisional permit holder receives a Georgia Massage Therapy license, upon meeting the qualifications of O.C.G.A. § 43-24A-8. If a provisional permit holder applies for and is issued a Georgia Massage Therapy license before the six (6) month expiration date of the provisional permit, the provisional permit shall expire on the date of issuance of the Georgia Massage Therapy license.
- (4) Provisional Permits are non-renewable. Individuals may apply for a new provisional permit to be issued by following the above stated guidelines.
- (5) A provisional permit may be voided if the Board determines that the person holding such permit no longer meets one or more of the criteria set forth in subsection (a) of § O.C.G.A. 43-24A-9 Provisional Permits or is found to have violated any of the Board's laws or rules.
- (6) A provisional permit issued pursuant to subsection (a) of § O.C.G.A. 43-24A-9 Provisional Permits shall expire on the same date as a license issued under this chapter to a holder of a provisional permit who has passed the examination pursuant to Code Section 43-24A-8.

~~Cite as Ga. Comp. R. & Regs. R. 345-3-.01~~

~~Authority: O.C.G.A. §§ 43-1-19, 43-1-19.2, 43-1-24, 43-1-25, 43-1-27, 43-24A-7 and 43-24A-9.~~

~~History:~~ Original Rule entitled "Application for Licensure Prior to July 1, 2007" adopted. F. Feb. 6, 2007; eff. Feb. 26, 2007.

~~Repealed:~~ New Rule entitled "Provisional Permits" adopted. F. Feb. 5, 2012; eff. Feb. 25, 2013.

~~Repealed:~~ New Rule of same title adopted. F. Oct. 30, 2013; eff. Nov. 19, 2013.

~~Rule 345-3-.02. Application for Licensure~~

- ~~(1) The applicant for licensure as a massage therapist shall submit an application and the required non-refundable fee 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 provide or complete the following:~~
- ~~(a) satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. The applicant shall be responsible for all fees associated with the performance of such background check (see instructions on how to register and complete the fingerprint check posted @ www.sos.ga.gov/plb/massage, Application Downloads link); and~~
 - ~~(b) official verification from NCBTMB (National Certification Board for Therapeutic Massage and Bodywork) or FSMTB (Federation of State Massage Therapy Boards) showing applicant has passed the NCBTMB National Certification Exam for Therapeutic Massage (NCETM) or National Certification Exam for Therapeutic Massage & Bodywork (NCETMB), or the FSMTB Massage & Bodywork Licensing Exam (MBLEx), or an exam deemed equivalent or equal to the NCE or FSMTB exam by the Board; and,~~
 - ~~(c) applicants educated within the United States: submit an official, certified school transcript in an 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; or,~~
 - ~~(d) applicants educated outside the United States:~~
 - ~~1. provide a credential evaluation report, in English, completed by a verifiable credential evaluation entity subject to the Board's approval to include a certified copy of the school transcript translated into English that includes, but is not limited to, the following:~~
 - ~~i. all documentation must be certified translations including the name and contact number of the person completing and approving the credential evaluation report; and,~~
 - ~~ii. the credential evaluation report shall include verification that the massage therapy educational entity providing the transcript to the applicant of the education was licensed, recognized or approved by a government, country, province or territory's educational commission, regulatory body or other verifiable official.~~
 - ~~2. official verification of passage of one of the following national exams: MBLEx, NCBTMB, or NCBTM.~~

3. ~~the Board reserves the right to recognize and consider mitigating circumstances with regard to the provision of educational information within compliance with this rule.~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-3-.02**~~

~~**Authority:** O.C.G.A. §§ 43-1-3, 43-1-7, 43-1-19, 43-1-24, 43-1-25, 43-24A-7, 43-24A-8 and 43-24A-11.~~

~~**History:** Original Rule entitled "Application for Licensure Post July 1, 2007" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~**Repealed:** New Rule of same title adopted. F. Mar. 9, 2009; eff. Mar. 29, 2009.~~

~~**Repealed:** New Rule of same title adopted. F. Nov. 3, 2010; eff. Nov. 23, 2010.~~

~~**Repealed:** New Rule entitled "Application for Licensure" adopted. F. Oct. 30, 2013; eff. Nov. 19, 2013.~~

~~**Rule 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 thirty (30) 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.~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-4-.01**~~

~~**Authority:** Authority O.C.G.A. Sees. 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-1-31, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14, 43-24A-20, 50-13-3.~~

~~**History:** Original Rule entitled "License Renewal" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~**Repealed:** New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009.~~

~~**Rule 345-4-.02. Continuing Education Hours**~~

- ~~(1) As a condition for renewing his or her license for each biennium, 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 through an approved provider; except as otherwise provided for in this chapter.
 - ~~(a) Twelve (12) of the total twenty-four (24) CE Hours must include direct hands-on supervised instruction; and~~
 - ~~(b) The remaining twelve (12) CE Hours may include direct hands-on supervised instruction or other massage therapy related CE hours.~~
 - ~~(c) CE Hours for renewal must be obtained during the two-year renewal cycle beginning November 1st through October 31st of the two-year licensure period.~~
 - ~~(d) For the purposes of this rule the course must include seventy percent (70 %) of hands-on experience/demonstration in order to qualify as direct hands-on supervised instruction.~~~~
- ~~(2) Approved providers for Continuing Education must have a current NCBTMB Continuing Education Provider Number and shall provide information on course attendance to CE Broker. Licensees may locate an approved provider on the National Certification Board for Therapeutic Massage and Bodywork website at www.ncbtmb.org. Licensees do not have to be board certified by NCBTMB to access the NCBTMB continuing education providers. The Board only accepts those Continuing Education Providers assigned a provider code number by NCBTMB.~~
- ~~(3) Beginning the November 1, 2014 through October 31, 2016 biennium and thereafter, persons licensed to practice as a massage therapist or who shall file an application to practice as such in this state are to maintain a record of completed continuing education courses and experiences by registering with an online recording and reporting system approved by the Board.
 - ~~(A) For the purposes of this requirement, the Georgia Board of Massage Therapy adopts the utilization of CE Broker, Inc.~~
 - ~~(B) Licensees and applicants shall incur no additional costs from CE Broker, Inc. for this service.~~
 - ~~(C) Every licensee or applicant subject to the rules of the Georgia Board of Massage Therapy shall be deemed to have given such person's consent to the Board and its representatives to access their continuing competence record retained within the online database for the purposes of auditing and verifying completion of the Board's continuing competency requirements.~~~~
- ~~(4) 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.~~
- ~~(5) 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 through an approved provider for that renewal period.
 - ~~(a) 6 of the total 12 CE Hours must include direct hands-on supervised instruction; and,~~~~

~~(b) The remaining 6 CE Hours may include direct hands on supervised instruction or other massage therapy related CE hours.~~

- ~~(6) 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.~~
- ~~(7) An applicant for reinstatement of a lapsed or revoked license must show along with their completed application and fee payment that they have taken the required twenty-four (24) hours of continuing education, in accordance with this rule, within one (1) year of the date of their reinstatement application to the board.~~
- ~~(8) The continuing education hours used for the reinstatement of a license cannot be used to meet the continuing education hours required for the biennium during which the license was reinstated.~~

~~Cite as Ga. Comp. R. & Regs. R. 345-4-.02~~

~~Authority: O.C.G.A. Secs. 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, 43-24A-17, 43-24A-20, 50-13-3 43-24A-14, 43-34A-20, 50-13-3.~~

~~History: Original Rule entitled "Continuing Education Hours" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~Repealed: New Rule of same title adopted. F. Mar. 9, 2009; eff. Mar. 29, 2009.~~

~~Repealed: New Rule of same title adopted. F. Nov. 3, 2010; eff. Nov. 23, 2010.~~

~~Amended: F. Feb. 27, 2012; eff. Mar 18, 2012.~~

~~Amended: F. Sep. 2, 2015; eff. Sep. 22, 2015.~~

~~Rule 345-4-.03. Continuing Education Providers~~

- ~~(1) The Georgia Board of Massage Therapy does not pre-approve continuing education courses or programs at this time. The Board will accept continuing education hours from any entity who is recognized/approved as a "Continuing Education Provider" by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) provided that the hours are related to the scope of practice of massage therapy as defined in O.C.G.A. § 43-24A. Continuing Education Providers recognized by the NCBTMB may be located by contacting the NCBTMB directly or by searching their website, www.ncbtmb.org.~~
- ~~(2) In order for the Board to accept documentation of continuing education from a NCBTMB Approved Continuing Education Provider, the following requirements must be met:~~
- ~~(a) The provider must have had a current, unencumbered, NCBTMB approved provider number at the time the continuing education course was administered;~~
- ~~(b) The name/title of the course listed on the certificate of completion must be present on the list of courses that NCBTMB has authorized that CE Provider to teach under the associated approved provider number;~~
- ~~(c) On the date of completion for each course, the provider must provide a certificate of completion to each student/attendee who successfully completed all of the course requirements; and,~~

- (d) ~~The provider must record course credit information of CE Broker within seven (7) days of completion of the course for all class attendees which hold a license and have provided consent to release such information to CE Broker.~~
 - (e) ~~The provider must have entered information relevant to the program or course to include but not limited to a description, program objective/learning outcomes, content description, and agenda or schedule into CE Broker.~~
- (3) ~~In addition to the above requirements, all CE certificates of completion must include the following information:~~
- (a) ~~The name of the attendee and their license number;~~
 - (b) ~~The complete name/title of the course;~~
 - (c) ~~The date(s) the attendee took and completed the course;~~
 - (d) ~~The number of continuing education hours awarded for the course;~~
 - (e) ~~The printed name and signature of the instructor for the course;~~
 - (f) ~~The NCBTMB Approved Provider Name, Provider Number and expiration date;~~
 - (g) ~~The location or site of the course, i.e. Home Study, Self-Study, Internet, Webinar, WebEx, or physical address where the course was taught; and,~~
 - (h) ~~If the course is being submitted to meet the direct hands-on supervised instruction requirement, the certificate must denote that it is a hands-on course. In order for the course to receive hands-on credit, 70% of the course must include direct application of touch, pressure, movement, and holding to the soft tissue of the body.~~
- (4) ~~Providers who fail to report the CEs in accordance with this policy will be removed from the list of approved NCBTMB providers for this state and reported to NCBTMB for noncompliance.~~
- (5) ~~A licensee may not claim any CE hours which do not match corresponding course credit information recorded in CE Broker.~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-4-.03**~~

~~**Authority: O.C.G.A. § 43-24A-20.**~~

~~**History:** Original Rule entitled "Continuing Education Providers Seeking Board Approval" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~**Repealed:** New Rule entitled "Continuing Education Providers" adopted. F. Sept. 9, 2008; eff. Sept. 29, 2008.~~

~~**Amended:** F. Mar. 10, 2015; eff. Mar. 30, 2015.~~

~~**Amended:** F. May 10, 2018; eff. May 30, 2018.~~

~~**Rule 345-4-.04. Inactive Status**~~

- (1) ~~Licensees may request by application only to the Board that their active license to practice as a massage therapist in Georgia be placed on inactive status prior to the license expiration date. Applications for Inactive Status request will not be considered if~~

~~postmarked on or after November 1st of every even-numbered year. There is no fee to apply for 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 investigation, is the subject of active disciplinary proceedings or has a sanction in effect may not transfer the license to an inactive status.~~
- ~~(4) Licensees shall request in writing to the Board for the reactivation of their massage therapy license. Reactivation of an inactive status license is within the discretion of the Board. The following requirements must be met:
 - ~~(a) If a licensee has been on inactive status for two (2) years or less, the applicant must meet the requirements for renewal of licensure pursuant to Rule 345-4-.01, excluding late renewal penalty fee, and all required CE hours must be obtained within one year prior to the date of receipt of the Reactivation Application.~~
 - ~~(b) If a licensee has been on inactive status for a period greater than two (2) years, the applicant must meet the requirements for reinstatement pursuant to Rule 345-4-.05.~~~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-4-.04**~~

~~**Authority:** O.C.G.A. §§ 43-1-25, 43-24A-14(e).~~

~~**History:** Original Rule entitled "Inactive Status" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~**Repealed:** New Rule of same title adopted. F. Feb. 25, 2008; eff. Mar. 16, 2008.~~

~~**Repealed:** New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009.~~

~~**Repealed:** New Rule of same title adopted. F. Nov. 3, 2010; eff. Nov. 23, 2010.~~

~~**Amended:** Subparagraphs 345-4-.04 (4)(b) was deleted in error when F. Nov. 3, 2010; eff. Nov. 23, 2010 was published. Error was discovered and corrected October 25, 2011.~~

~~**Amended:** F. May 22, 2017; eff. June 11, 2017.~~

~~**Rule 345-4-.05. Reinstatement of a License**~~

- ~~(1) Reinstatement of a revoked or lapsed license is within the discretion of the Board.~~
- ~~(2) An applicant for reinstatement of a revoked or 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 a citizen of the United States or a permanent resident of the United States; and,~~
 - ~~(b) has a satisfactory result from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. The applicant shall be responsible for all fees associated with the performance of such background check (see the Fingerprint COGENT-GAPS Instructions on the Board website under the Application Downloads link).~~
 - ~~(c) if the license has been revoked or lapsed for:
 - ~~(i) two (2) years or less, the applicant must submit evidence of completion of twenty-four (24) hours of Board approved continuing education, in accordance~~~~~~

with Board Rule ~~345-4-.02~~, obtained within one (1) year of the date of the reinstatement application;

or,

(ii) ~~more than two (2) years, the applicant must submit evidence of completion of twenty four (24) hours of Board approved continuing education, in accordance with Board Rule 345-4-.02, which was obtained within one (1) year of the date of the reinstatement application, AND, verification of having passed the MBLEx, within six (6) months of the date of the reinstatement application.~~

- ~~(3) The continuing education hours used for the reinstatement of a license cannot be used to meet the continuing education hours required for the biennium during which the license was reinstated.~~
- ~~(4) The Board may impose any limits, sanctions, restrictions or other disciplinary actions as a condition of reinstatement it deems necessary.~~
- ~~(5) The Board may require additional verification of any requirements or credentials as the Board may deem necessary.~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-4-.05**~~

~~**Authority: O.C.G.A. §§ 43-1-25, 43-24A-14(b).**~~

~~**History:** Original Rule entitled "Reinstatement of a License" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~**Repealed:** New Rule of same title adopted. F. Feb. 25, 2008; eff. Mar. 16, 2008.~~

~~**Repealed:** New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009.~~

~~**Repealed:** New Rule of same title adopted. F. Aug. 31, 2011; eff. Sep. 20, 2011.~~

~~**Amended:** F. Mar. 10, 2015; eff. Mar. 30, 2015.~~

~~**Amended:** F. May 23, 2017; eff. June 12, 2017.~~

~~**Rule 345-5-.01. Licensure by Endorsement**~~

~~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 whose licensure requirements are substantially 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 provide the following:~~

~~(a) all supporting documents must be provided to the Board in the English language.~~

~~Documents must be translated by a reputable source subject to the discretion of the Board; and,~~

~~(b) verification that an applicant is at least 18 years of age; and,~~

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

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

- (e) ~~has a satisfactory result from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. The applicant shall be responsible for all fees associated with the performance of such background check (see instructions on how to register and complete the fingerprint check posted at www.sos.ga.gov/plb/massage, Application Downloads link); and,~~
- (f) ~~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.~~
- (g) ~~The Board may request additional verification of any requirements or credentials as it may deem necessary.~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-5-.01**~~

~~**Authority: O.C.G.A. §§ 43-1-3, 43-1-7, 43-1-19, 43-1-24, 43-1-25, 43-24A-7 and 43-24A-13.**~~

~~**History:** Original Rule entitled "Licensure by Endorsement" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~**Repealed:** New Rule of same title adopted. F. Sept. 9, 2008; eff. Sept. 29, 2008.~~

~~**Repealed:** New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009.~~

~~**Repealed:** New Rule of same title adopted. F. Nov. 3, 2010; eff. Nov. 23, 2010.~~

~~**Repealed:** New Rule of same title adopted. F. Oct. 30, 2013; eff. Nov. 19, 2013.~~

~~**Rule 345-5-.02. Endorsement for Military Spouses, Service Members and Transitioning Service Members**~~

- (1) ~~As used in this rule, the following terms shall mean:~~
 - (a) ~~"Board" means the Georgia Board of Massage Therapy.~~
 - (b) ~~"License" means any license issued by the Georgia Board of Massage Therapy.~~
 - (c) ~~"Military" means the United States armed forces, including the National Guard.~~
 - (d) ~~"Military spouse" means a spouse of a service member or transitioning service member.~~
 - (e) ~~"Service member" means an active or reserve member of the armed forces, including the National Guard.~~
 - (f) ~~"Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.~~
- (2) ~~Effective July 1, 2017, military spouses, services members and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied.~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-5-.02**~~

~~**Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-1-34, 43-1-8, 43-24A-2, 43-24A-7, 43-24A-8, 43-24A-9, 43-24A-13, 43-24A-19.**~~

History. Original Rule entitled "Endorsement for Military Spouses, Service Members and Transitioning Service Members" adopted. F. Oct. 13, 2017; eff. Nov. 2, 2017.

~~Rule 345-6-.01. Professional and Unprofessional Conduct~~

- ~~(1) Georgia Licensed Massage Therapists shall:~~
- ~~(a) Comply with recognized professional standards for the practice of massage therapy and client quality of care.~~
 - ~~(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.~~
 - ~~(c) Accurately inform clients, other health care practitioners, and the public about the scope and limitations of the practice of massage therapy, including the limitations of and contraindications for massage therapy.~~
 - ~~(d) Refer clients to appropriate health professionals when treatment needed by the client is beyond the scope of massage therapy practice according to recognized professional standards.~~
 - ~~(e) Perform massage therapy only after the client has given written informed and voluntary consent that is signed by the client or, if the client is a minor, signed by the client's guardian, parent, or authorized third party.~~
 - ~~(f) Immediately comply with the client's expressed request to refuse, modify, or terminate the performance of massage therapy, regardless of any prior consent.~~
 - ~~(g) Provide draping and treatment consistent with client safety, comfort, and privacy in compliance with recognized professional standards of massage therapy practice.~~
 - ~~(h) Refuse to treat any person or part of the body if such treatment is not lawful, does not comply with recognized professional standards of massage therapy practice, or is not in the best interest of the client.~~
 - ~~(i) Not violate client boundaries regarding privacy, disclosure of personal information, physical exposure, nudity, or sexual activity.~~
 - ~~(j) Not accept any gifts, compensation, or benefits that are intended to influence a referral, decision, or treatment that is not within recognized professional standards of massage therapy practice, including treatment that is not in the best interest of the client.~~
- ~~(2) Unprofessional conduct shall also include, but not be limited to, the following:~~
- ~~(a) Practicing massage therapy without a valid license or with an expired license;~~
 - ~~(b) Failing to comply with requirements for professional continuing education;~~
 - ~~(c) Performing any act which knowingly aids, assists, procures, advises or encourages an unlicensed person to practice massage therapy.~~

- ~~(d) Failing to display a massage therapist's license certificate issued by the Board, or a photocopy thereof, in an appropriate and public manner easily and readily available for public view at each location the licensee practices;~~
- ~~(e) Violation of, or noncompliance with, any of the following:~~
 - ~~1. The Georgia Massage Therapy Practice Act;~~
 - ~~2. Any statutes, ordinances, or rules pertaining to the practice of massage therapy;~~
 - ~~3. Rules promulgated by the Georgia Board of Massage Therapy;~~
 - ~~4. Any Consent Agreement entered into with the Georgia Board of Massage Therapy or other licensing board or agency; and~~
 - ~~5. Any Order issued by the Georgia Board of Massage Therapy or other licensing board or agency.~~
- ~~(f) Failing to maintain appropriate records and to safeguard the confidentiality of records regarding clients, their treatment, their personal information, and client referral to other medical or health professionals, unless disclosure or release of such confidential information is requested by the client in writing or is required by law.~~
- ~~(g) Falsifying, altering, destroying, or changing records in contemplation of an investigation by the board, a governmental office, regulating agency, or lawsuit filed by a patient.~~
- ~~(h) Using improper or unfair measures or false information to draw patronage from the practice of another massage therapy licensee.~~
- ~~(i) Initiating or engaging or in any sexual conduct, sexual activities, or sexualizing behavior involving a client or pertaining to the practice of massage therapy.~~
- ~~(j) Knowingly making misleading, deceptive, untrue or fraudulent representations in an application for licensure, reinstatement, or licensure renewal filed with the board, in a document pertaining to the practice of massage therapy, the filing of any insurance claim, or in any document in connection therewith.~~
- ~~(k) Discriminating against clients on the basis of gender, age, race, national origin, religion, disability, or sexual preference.~~

~~Cite as Ga. Comp. R. & Regs. R. 345-6-.01~~

~~Authority: O.C.G.A. Secs. 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-24A-2, 43-24A-3, 43-24A-7, 43-24A-8, 43-24-A-10, 43-24A-13, 43-24A-14, 43-24A-15, 43-24A-17, 43-24A-20, 43-24A-22, 50-13-3.~~

~~History: Original Rule entitled "Licensure by Reciprocity" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~Repealed: F. Sept. 9, 2008; eff. Sept. 29, 2008.~~

~~Amended: New Rule entitled "Professional and Unprofessional Conduct" adopted. F. Nov. 3, 2010; eff. Nov. 23, 2010.~~

~~Note: Correction of non-substantive typographical error in sub-paragraph (2)(c), "message" corrected to "massage", as requested by the Agency. Effective August 5, 2016.~~

~~Rule 345-6-.02. Scope of Practice of Massage Therapy Students~~

- ~~(1) A person pursuing a course of study leading to a degree or certificate as a massage therapist in an educational program recognized by the board may engage in the practice, services, or activities of massage or massage therapy when such person is:
 - ~~(a) Actively enrolled in a massage therapy program or school approved by the Board;~~
 - ~~(b) Designated by title indicating student status and shall not represent themselves as a massage therapist or massage practitioner;~~
 - ~~(c) Fulfilling uncompensated work experiences required for the attainment of the degree or certificate. For the purpose of this rule "uncompensated" means a person in student status may not intentionally or knowingly agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, in the form of payments, gifts, tips, remuneration, recompense, or rewards to or from any person or entity for services rendered while in student status;~~~~
- ~~(2) The primary responsibility for the services provided for clients by the designated student rests with the licensed massage therapist supervisor or other authorized instructor.~~
- ~~(3) Documentation of all services for clients and treatment plans must be reviewed and approved by the licensed massage therapist supervisor.~~

~~Cite as Ga. Comp. R. & Regs. R. 345-6-.02~~

~~Authority: O.G.C.A. §§ 43-1-25, 43-24A-19(2), 43-24A-3(4).~~

~~History:~~ Original Rule entitled "Scope of Practice of Massage Therapy Students" adopted. F. May 16, 2016; eff. June 5, 2016.

~~Rule 345-7-.01. Approved Fees~~

- ~~(1) Refer to fee schedule for appropriate fees payable to the Board:
 - ~~(a) An indebtedness to the Board caused by a returned check will be dealt with in accordance with Code Section 16-9-20 of the Criminal Code of Georgia;~~
 - ~~(b) Fees may be reviewed and changed at the discretion of the Board;~~
 - ~~(c) Application fees are non-refundable.~~~~
- ~~(2) Fees may be charged for the following:
 - ~~(a) Applications for Licensure;~~
 - ~~(b) Renewal;~~
 - ~~(c) Late/Lapsed Renewal;~~
 - ~~(d) Reinstatement;~~
 - ~~(e) Duplicate license and/or identification card. If a name change occurs, and the licensee wishes to submit a request for a duplicate card, licensee must submit the request in writing to the Board, and include a copy of either a marriage certificate or court order and the required fee. Name changes occurring during the renewal~~~~

period may be processed without additional fee if a copy of the marriage certificate or court order is attached to the paper application for license renewal (name change can not be done via on-line renewal process);

- (f) License verification;
- (g) Wall Certificate; Duplicate Wall Certificate;
- (h) Any additional fee the Board deems appropriate.

~~Cite as Ga. Comp. R. & Regs. R. 345-7-.01~~

~~Authority: O.C.G.A. Secs. 43-1-7, 43-24A-8, 43-24A-14.~~

~~History: Original Rule entitled "Approved Fees" adopted: F. Dec. 13, 2006; eff. Jan. 2, 2007.~~

~~Rule 345-8-.01. Curriculum Requirements. Amended~~

~~In order to be a Georgia Board recognized massage therapy education program, the program must have a minimum curriculum of five hundred (500) total clock hours of supervised classroom and supervised hands-on instruction. For purposes of this rule, "supervised" means the supervisor is physically on-site, qualified and immediately available. The minimum required subject matter and activities and the minimum required hours are as follows:~~

- ~~(a) A minimum of one hundred twenty-five (125) hours of in-class supervised instruction in human anatomy, physiology and kinesiology;~~
- ~~(b) A minimum of forty (40) hours of in-class supervised instruction in pathology;~~
- ~~(c) A minimum of two hundred hours (200) in massage therapy theory, technique and practice, which must include in-class supervised instruction of clinical techniques and hands-on clinical practice and must include, at a minimum, the following subject matters: effleurage/gliding; petrissage/kneading; compression; friction, tapotement/percussion; vibration; direct pressure; superficial warming techniques; pumping; stretching; jostling; shaking; rocking;~~
- ~~(d) A minimum of one hundred twenty-five (125) hours of in-class supervised instruction in contraindications, benefits, universal precautions, body mechanics, massage history, client data collection, documentation, and legalities of massage, professional standards including draping and modesty, therapeutic relationships and communications;~~
- ~~(e) A minimum of ten (10) hours of in-class supervised instruction in ethics and business (to include a minimum of six (6) hours in ethics); and,~~
- ~~(f) Of the five hundred (500) total clock hours, the curriculum must include a minimum of fifty (50) hours in supervised student clinical practice, but no more than sixty (60) hours in supervised student clinical practice. Nothing in this rule shall be construed to prohibit a massage therapy school that has a curriculum greater than five hundred (500) hours from having more supervised student clinical practice so long as it has at least four hundred and forty (440) hours of in-class supervised instruction.~~
- ~~(g) If an applicant transfers from another massage therapy education program into a massage therapy education program recognized by this Board and any of the clock hours from the original program(s) are accepted as a part of the program to which the applicant~~

transferred, the name of the original program and the clock hours accepted from that program must be identified on the transcript provided to the Board. If the transferred hours are not from a board recognized massage therapy education program, the hours may not be used to satisfy the curriculum requirements of this rule.

~~Cite as Ga. Comp. R. & Regs. R. 345-8-.01~~

~~Authority: O.C.G.A. §§ 43-1-25, 43-24A-3(4), 43-24A-8(6).~~

~~History:~~ Original Rule entitled "Curriculum Requirements" adopted. F. Jan. 10, 2007; eff. Jan. 30, 2007.

~~Amended:~~ F. Feb. 27, 2012; eff. Mar. 18, 2012.

~~Amended:~~ F. Oct. 30, 2013; eff. Nov. 19, 2013.

~~Amended:~~ New title "Curriculum Requirements. Amended." F. Apr. 13, 2017; eff. May 3, 2017

~~Rule 345-8-.02. Faculty Requirements. Amended~~

- ~~(1) In order to be a Georgia Board recognized massage therapy education program, the program must have a faculty that consists of a sufficient number of full and part time instructors to ensure that the educational obligations to the student are fulfilled. Lab, clinical and community course core (lead) faculty must demonstrate competence in their respective areas of teaching as evidenced by a minimum of 2 years or 2000 hours of experience in their field. Faculty instructor(s) shall hold a current state license, if a state license is required to practice massage therapy in that state. Human sciences course core (lead) faculty (anatomy, pathology, physiology) is not required to hold a massage therapy license; however, the faculty member must demonstrate competence in their respective areas of teaching as evidenced by a minimum of 2 years or 2000 hours experience in their field and/or by appropriate degrees/certificates from approved colleges/schools/institutions.~~
- ~~(2) All program faculty members must teach at the physical address which has been provided to the Board on the program's application to become a board recognized massage therapy education program.~~
- ~~(3) The Board must be notified of any program faculty changes within ten (10) days of the date the change becomes effective.~~
- ~~(4) If a school utilizes faculty assistants, in order to be a Board recognized massage therapy education program, it shall establish and maintain policies that set forth qualifications, duties and procedures for use of these personnel. Faculty assistants shall not be used as substitutes or replacements for regular faculty; shall not be responsible for the overall evaluation of any student; and shall work under the direct supervision of approved faculty. Faculty assistants shall hold a current license, if a license is required to practice massage therapy in that state.~~
- ~~(5) In order to be a Georgia Board recognized massage therapy education program, the ratio of students to faculty in the lab/clinical/community area shall not exceed 20 students to 1 instructor with no more than 10 student therapists and 10 students serving as clients. Lecture classes are not subject to this ratio.~~
- ~~(6) When student clinical practice is being performed on the general public, the supervising clinical faculty instructor(s) shall hold a current Georgia massage license.~~

~~Cite as Ga. Comp. R. & Regs. R. 345-8-.02~~

~~Authority: O.C.G.A. §§ 43-1-25, 43-24A-3(4).~~

History. Original Rule entitled "Faculty Requirements" adopted. F. Jan. 10, 2007; eff. Jan. 30, 2007.

Repealed. New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009.

Amended. F. Feb. 27, 2012; eff. Mar. 18, 2012.

Amended. New title "Faculty Requirements. Amended." F. Apr. 13, 2017; eff. May 3, 2017.

Rule ~~345-8-.03~~. Board Recognition Status

- (1) In order for a Georgia (physically) based massage therapy education program location(s) to obtain the Georgia Massage Therapy Board "Recognized" massage therapy education program status, the program must meet the requirements set forth in rules 345-8-.01 and 345-8-.02, and the additional requirements below:
 - (a) the program must require that each student have a minimum grade of 70% and the student have a minimum attendance of 70% in order to receive credit/hours in massage therapy related course and clinical work, and;
 - (b) the program must maintain a written program, philosophy and objectives, and the program must maintain course outlines or syllabi for all massage therapy courses, and;
 - (c) the program must provide a student handbook, and;
 - (d) the program must maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance, and;
 - (e) the program must possess a current, unencumbered National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) School Provider Code.
 - (f) the program must possess a current, unencumbered Nonpublic Postsecondary Education Commission (NPEC) Authorization number.
- (2) If a board recognized program does not meet or fails to comply with the curriculum, faculty, and additional requirements noted in these rules, the Board may withdraw the "recognized" status of the program:
 - (a) the Board shall promptly notify the program, in writing, of the withdrawn recognition status.
 - (b) the program must notify, in writing, current and potential new students of their withdrawn recognition status within ten (10) business days from receipt of the Board's notice. Simultaneously, a copy of such notification must be submitted to the Board within the ten (10) business days.
- (3) No other transcripts will be accepted from a program whose recognition status has been withdrawn effective on or after a date established by the Board.
- (4) Programs losing Board recognition must reapply for recognition by the Board
- (5) A Georgia (physically) based recognized program that is sold, physically moves or changes the recognized program's name must file a new school recognition application with the Board within ten (10) business days from the date of the action:

- (a) if sold to a new owner, the new owner must provide, within ten (10) days, a new application and all supporting documents (including NCBTMB and NPEC current code/number -- see e & f above);
 - (b) if moving location, report within ten (10) days the new physical and mailing address, in addition to any other changes (faculty, curriculum, etc.);
 - (c) if changing the programs name, but not physical location, report the name change to the Board within ten (10) business days.
- (6) Massage Therapy educational programs located ~~outside the state of Georgia~~ may be recognized by meeting the following criteria:
- (a) hold, and maintain, a current, unencumbered NCBTMB school code number; and,
 - (b) be approved or recognized by the state the program is located in as meeting the requirements for massage therapy education (pursuant to the Georgia Board rules 345-8-.01 and 345-8-.02) for licensure in the state the program is located and operating in; and,
 - (c) recognition by the Board of any massage therapy educational program is at the sole discretion of the Georgia Board of Massage Therapy.
- (7) Recognition of massage therapy educational programs located ~~outside of the United States~~ is at the sole discretion of the Board:
- (a) transcripts will only be accepted if translated by a reputable and verifiable credential evaluation service. The Board has sole discretion on the acceptance/approval of a credential evaluations service utilized by an applicant; and,
 - (b) the foreign massage therapy education program must at a minimum be determined to be substantially equal to or exceed the curriculum requirements set forth in Board rule 345-8-.01; and,
 - (c) recognition by the Board of any foreign massage therapy educational program is at the sole discretion of the Georgia Board of Massage Therapy.

~~Cite as Ga. Comp. R. & Regs. R. 345-8-.03~~

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

~~History:~~ Original Rule entitled "Additional Requirements" adopted. F. Jan. 10, 2007; eff. Jan. 30, 2007.

~~Repealed:~~ New Rule entitled "Maintaining Board Recognition Status" adopted. F. July 2, 2009; eff. July 22, 2009.

~~Amended:~~ F. Feb. 27, 2012; eff. Mar. 18, 2012.

~~Repealed:~~ New Rule entitled "Board Recognition Status. Amended" adopted. F. Oct. 30, 2013; eff. Nov. 19, 2013.

~~Rule 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.~~

Cite as Ga. Comp. R. & Regs. R. 345-9-.01

Authority: ~~Authority O.C.G.A. Secs. 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, 50-13-3.~~

History: Original Rule entitled "Exemptions from Licensure" adopted. F. July 5, 2007; eff. July 25, 2007.

Rule ~~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 the 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.~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-10-.01**~~

~~**Authority:** Authority O.C.G.A. Secs. 43-1-10, 43-1-19, 43-1-20, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14, 43-24A-15, 43-24A-17, 43-24A-18, 50-13-3.~~

~~**History:** Original Rule entitled "General Provisions" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~**Repealed:** New Rule of same title adopted. F. Nov. 3, 2010; eff. Nov. 23, 2010.~~

~~**Rule 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.~~

~~**Cite as Ga. Comp. R. & Regs. R. 345-10-.02**~~

~~**Authority:** Authority O.C.G.A. Secs. 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, 50-13-3.~~

~~**History:** Original Rule entitled "Display of License" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~**Rule 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.~~
- (2) ~~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.~~
- (3) ~~Actively licensed massage therapist shall include their Georgia massage therapy license number on all forms of advertisement no later than October 31, 2010.~~

- (4) Establishments providing massage therapy services by more than one licensed massage therapist shall include on all forms of advertisement no later than October 31, 2010 the following statement: "Georgia Licensed Massage Therapists".

~~Cite as Ga. Comp. R. & Regs. R. 345-10-.03~~

~~Authority: Authority O.C.G.A. Secs. 43-1-10, 43-1-19, 43-1-24, 43-1-24A-3, 43-1-25, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-13, 43-24A-14, 43-24A-15, 43-24A-17, 43-24A-21, 43-24A-24, 50-13-3.~~

~~History:~~ Original Rule entitled "Advertising" adopted. F. July 5, 2007; eff. July 25, 2007.

~~Repealed:~~ New Rule of same title adopted. F. July 2, 2009; eff. July 22, 2009.

~~Repealed:~~ New Rule of same title adopted. F. Nov. 3, 2010; eff. Nov. 23, 2010.

~~Rule 345-10-.04. Unlicensed Practice~~

- (1) Individuals who have engaged in the practice of massage therapy without a valid and active Georgia license shall be subject to a Cease and Desist Order, public reprimand, fine, and/or other sanction imposed by the board, as authorized by law.
- (2) Fines for unlicensed practice, in addition to or in conjunction with any other board sanction, may be imposed according to the following guidelines:
- (a) Unlicensed practice determined by the board to be:
 - 1. Practice for one (1) month or less: Letter of Concern from the board;
 - 2. Practice over one (1) month but not exceeding three (3) months: fine of \$100 per month;
 - 3. Practice over three (3) months but not exceeding one (1) year: fine of \$500;
 - 4. Practice over one (1) year but not exceeding two (2) years: fine of \$750;
 - 5. Practice over two (2) years but not exceeding three (3) years: fine of \$1,000;
 - 6. Practice over three (3) years: fine of \$1000 plus an additional fine of \$100 for each month or portion thereof over three (3) years, not to exceed a total fine of \$5,000.
 - (b) Mitigating circumstances may be taken into account in varying the amount of assessed fines, subject to the board's discretion.
 - (c) Licensees who fail to renew their licenses by the license expiration date, and who continue to practice as massage therapists after the license expiration date, have engaged in unlicensed practice and are subject to disciplinary action and fines imposed by the board.
- (3) It is the responsibility of the licensee to inform the board in writing of a change in any of the following information within thirty (30) days of such change:
- (a) physical address;
 - (b) mailing address;
 - (c) email address;

(d) telephone number(s); and

(e) change of name (must provide legal documentation reflecting name change).

- (4) It is the responsibility of each licensee to renew his or her license prior to the license expiration date regardless of whether the licensee receives a renewal notice from the board.

~~Cite as Ga. Comp. R. & Regs. R. 345-10-04~~

~~Authority: O.C.G.A. Secs. 43-1-10, 43-1-19, 43-1-20.1, 43-1-24, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-13 to 43-24A-15, 43-24A-17, 43-24A-20, 50-13-3.~~

~~History: Original Rule entitled "Unlicensed Practice" adopted. F. July 5, 2007; eff. July 25, 2007.~~

~~Repealed: New Rule of same title adopted. F. Apr. 28, 2010; eff. May 18, 2010.~~

ATTACHMENT

B



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

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GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A1

Category: Applications **Policy:**

Title: Administrative Issuance of Licenses **Procedure:**

Statutory Basis: OCGA § 43-24A-7 through 13

Rule Basis: Chapter 345-3 through 8

The Board approves the administrative issuance of licenses by application, reinstatement or endorsement between meetings for applicants who:

- 1) meet all the current requirements for licensure in Georgia;
- 2) have not been disciplined by any other board;
- 3) meet the requirements as outlined in Policy A2; and
- 4) have never been adjudged mentally incompetent, unable to practice by reason of illness, or received treatment for chemical dependence, drugs and/or alcohol.

Licenses administratively issued between board meetings, will be ratified by the Board at their next scheduled meeting.

Adopted: 02-22-2008

Revised: 06-25-2010

Revised: 08-28-2015



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A2

Category: ~~Applications~~ **Policy:** ■
Title: ~~Staff Approval of Applications for Licensure and Renewal~~ **Procedure:** ■
~~Related to Criminal Offenses~~

Statutory Basis: ~~OCGA § 43-24A-8; §43-1-19(a)(j)~~
Rule Basis: ~~Chapter 345-3 through 8~~

The Georgia Board of Massage Therapy accepts the following guidelines for review of applications for licensure and renewal which indicate that the applicant has an arrest and/or conviction. Applications that do not fall within the parameters indicated below will be referred to the Board Cognizant and/or the Board for consideration.

Offense	Freq.	Time Period	Other	Action
DUI	One Time	No Time Period	No active probation / No active parole	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Alcohol
DUI	Two Times	More than four years between convictions	No probation / No parole	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Alcohol
Bad Checks, Municipal Ordinance Violations, Driving with Suspended/Revoked License	Two Times	No Time Period	No probation / No parole	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Criminal
Petit Theft, Shoplifting, Non-Violent Property Crimes (not related to drugs)	Two Times	No Time Period	No probation / No parole	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Criminal
Felony Conviction for Non-Violent Property Crimes (i.e. Shoplifting, Theft By Taking, Theft By Deception, Burglary, Larceny, Vandalism, etc.)	One Time	No Time Period	No probation / No parole	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Criminal
Marijuana Possession of Less than One Ounce	One Time	No Time Period	No probation / No parole	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Drugs
Misdemeanor Offenses with the Exception of Drug Related Misdemeanor Crimes	No Limit	No Time Period	No probation / No parole	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Criminal
Any offenses of a sexual nature	No Limit	No Time Period	N/A	Must be presented to the Board.

Date Adopted: ~~12-03-2012~~
 Date Revised: ~~10-25-2013~~
 Date Revised: ~~06-27-2014~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A3

Category: ~~Applications~~ **Policy:** ~~■~~
Title: ~~Lapsed/Late Renewal Period Fees~~ **Procedure:** ~~□~~

Statutory Basis: ~~OCGA § 43-24A-7 through 13~~

Rule Basis: ~~Chapter 345-3 through 8~~

~~Increase the current penalty fee for failure to renew by the October 31st every even numbered year from \$85 US dollars to \$150 US Dollars effective with the October 31, 2010 renewal cycle.~~

~~Adopted: 04-03-2009~~

~~Revised: 06-25-2010~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A4

Category: Applications **Policy:**
Title: Recognition of Out of State "Massage Therapy Educational Programs" **Procedure:**

Statutory Basis: OCGA § 43-24A-3, 8 and 13

Rule Basis: Chapter 345-8

~~For those applications for licensure as a massage therapist in Georgia, received on or after July 01, 2007, the massage therapy education programs in states outside of Georgia's borders must have an assigned school code from the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), meet the Board's curriculum requirements set forth in Board Rule 345-8 .01, and meet one of the following:~~

- ~~• The massage therapy education program is recognized or approved by that state's Board of Massage Therapy, or other licensing or regulatory Board or Authority; or~~
- ~~• The massage therapy education program is recognized or approved by that state's Board of Education or a recognized equivalent; or~~
- ~~• The massage therapy education program is recognized or approved by that state's Nonpublic Postsecondary Education Commission or a recognized equivalent.~~

~~Finally, the Board reserves the right to request additional information as it deems necessary.~~

~~Date Adopted:~~ 05-04-2007



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A5

Category: Applications **Policy:** ■

Title: Board Recognized Massage Therapy Education Programs **Procedure:** ■

Statutory Basis: OCGA § 43-24A-3, 8 and 13

Rule Basis: Chapter 345-8

The Board authorizes the administrative staff to request from the applying program/school, in writing, any additional information necessary for the educational representative to review the application prior to making his/her recommendation to the full Board for approval/denial of the program/school. All pending school programs will continue to be processed to receive Board recognition. The Board will conduct an annual review of the list of Board Recognized Educational Programs. If the program no longer meets the requirements established by the Board it shall be removed from the list in accordance with the Board Rules.

Georgia Schools (Physically located in the state of Georgia):

- The massage therapy education program in GA must have had a current, active Certificate of Authorization from the Georgia NPEC for the year the applicants transcript indicates attendance and completion;
- Transcripts for Georgia massage therapy education programs without a current certificate of authorization from the Georgia NPEC will not be accepted by the Board.
- University System or DTAE programs may be accepted based upon board approval.

Massage Therapy Programs physically located outside of the state of GA:

- An applicant for massage therapy licensure in GA who attended and completed/graduated from a massage therapy education program outside of the state of GA:
 - MT Educational programs must be a program recognized and approved by the state's regulatory authority or entity to meet the massage therapy licensure requirements for that state; or,
 - If the state of the MT Educational Programs does not require licensure or certification as a massage therapist, the MT Educational Programs must be accredited by a reputable and verifiable credentialing entity; and,
 - Must have the MT Educational Programs provide written verification of the applicant's physical presence on the school's campus; physical attendance to classes and clinical; and,
 - Curriculum must meet the minimum GA requirements pursuant to Board rule 345-8-.01; and,
 - Current contact information for MT Educational Program's school official who is providing the Board this information— school will be contacted to verify this information.
 - University System or DTAE programs may be accepted upon board approval.

Adopted: 10-2006

Revised: 06-25-2010

Revised: 06-27-2014



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A6

Category: ~~Applications~~ **Policy:** ~~■~~
Title: ~~Provisional Permit: Supervision Requirements~~ **Procedure:** ~~■~~

Statutory Basis: ~~OCGA § 43-24A-3(10); 8 and 9~~
Rule Basis: ~~BR 345-3-.01~~

~~A Georgia licensed Massage Therapist can only supervise one provisional permit holder at any given time.~~

~~Adopted: 10-25-2013~~
~~Revised: 08-25-2017~~
~~Effective: _____~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A7

Category: ~~Application~~ **Policy:** ~~■~~
Title: ~~Release of Transcript and Score Report~~ **Procedure:** ~~□~~
Statutory Basis: ~~OCGA § 43-24A-7 through 13~~
Rule Basis: ~~Chapter 345-3 through 8~~

~~The School Cognizant Board Member can release transcripts and score report information to either NCBTMB or FSMTB when inconsistencies are noted between those documents. The Cognizant will submit a list of notifications drafted between meetings to be ratified by the Board.~~

~~Adopted: 06 27 2014~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A8

Category: ~~Application (Renewal)~~ **Policy:** ~~■~~
Title: ~~Reporting and Auditing Hours~~ **Procedure:** ~~□~~

Statutory Basis: ~~43-1-19(a),(d), & (h); 43-24A-7(a)(1),(2) & (3); 43-24A-17(a); 43-24A-14(b); 43-24A-20~~
Rule Basis: ~~_____~~

~~(1) At the time of license renewal, each licensee shall certify to the Georgia Board of Massage Therapy that he/she has completed the continuing education (CE) hours required within the two-year licensure period for license renewal.~~

~~(2) The staff of the State Examining Boards shall audit the continuing education of licenses at a percentage determined by the Board, randomly selected, in the state per biennium for compliance with all rules and regulations.~~

~~(3) A licensee who has failed to complete the continuing education requirements for any reason, to include a failure to register and record activities within the online recording and reporting system approved by the Board, shall be subject to a Public or Private Reprimand which may include a fine of \$500 per violation, a requirement that any deficient CE Hours be obtained within three (3) months of the effective date of the Public Reprimand and other conditions as determined by the Board.~~

~~(4) The CE hours used to satisfy the terms of a Public or Private Reprimand may NOT be used to satisfy the CE requirement of any subsequent renewal cycle.~~

~~(5) Any future incidences on noncompliance with CE requirements may result in additional disciplinary actions up to, and possibly including, revocation of a license to practice massage therapy in Georgia.~~

~~Adopted: 08-28-2015~~

~~Revised: 08-25-2017~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A9

Category: Application **Policy:** ■
Title: Exceptions to Massage Therapy Licensure Requirements **Procedure:** ■
Statutory Basis: OCGA § § 43-24A-19
Rule Basis: N/A

For policy purposes, the Georgia Board of Massage Therapy proposes the following, non-inclusive and/or non-comprehensive, listing of practices or disciplines by name that the Board considers to fall within the exceptions of the law and are outside of the scope of massage therapy practice in the state of Georgia and not accepted for continuing education credit:

Movement practices include, but are not limited to:

Alexander Technique
Aston Patterning
Body Mind Centering®
Feldenkrais Method® of Somatic Education
ISMETA — Registered Somatic Educator
ISEMTA — Registered Somatic Movement Therapist
Laban Movement Analysis
Rolf Institute® Rolf Movement Integration
Trager® Approach to Movement Education

Structural Integration practices include, but are not limited to:

Hellerwork®
Rolfing® Structural Integration
Structural Integration

Energy practices include, but are not limited to:

Asian Bodywork Therapy
Acupressure
Amma
AMMA Therapy®
Chi Nei Tsang
Craniosacral Therapy
Jin Shin
Jin Shin Do® Bodymind Acupressure
Jin Shin Jitsu
Jin Shin Jyutsu®



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

Energy practices continued...:

Medical Qigong

Nuad Bo 'Rarn (Traditional Thai Bodywork)

Okazaki Restorative Therapy

Polarity

Polarity Therapy

Polarity Bodywork Therapy

Qigong

Reiki

Shiatsu (*all forms including, but not limited to, Five Element Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Macrobiotic Shiatsu, Ohashiatsu®, Quantum Shiatsu, Zen Shiatsu*)

Shiatsu Anma Therapy

Tuina

In addition, for policy purposes and clarification, the Georgia Board of Massage Therapy developed the following regarding exemptions to licensure with the above identified practices or disciplines notated under the applicable provisions as set forth in the statute.

Massage Therapy Board—Ga. Law—Exceptions
(termed “exemptions” by the Board for purposes of the rule):

O.C.G.A. § 43-24A-19. Exceptions

Nothing in this chapter shall be construed to affect, restrict, or prevent the practice, services, or activities of:

(1) A person licensed, registered, or certified under any other chapter or article under Title 43 while engaged in the professional or trade practices properly conducted under authority of such other licensing laws, provided that such person shall not use the title of massage therapist;

(2) A person pursuing a course of study leading to a degree or certificate as a massage therapist in an educational program recognized by the board, if such person is designated by title indicating student status and is fulfilling uncompensated work experiences required for the attainment of the degree or certificate;

(3) A nonresident person rendering massage therapy up to 60 days during a 12-month period for treatment of a temporary sojourner only, provided that such nonresident massage therapist holds a license, registration, or certification from another state, jurisdiction, or country if the requirements as determined by the board for licensure are substantially equal to the requirements contained in this chapter or provided that such nonresident massage therapist is currently nationally certified in therapeutic massage and bodywork;



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A9 CONTINUED...

~~(4) A person duly licensed, registered, or certified in another jurisdiction, state, territory, or a foreign country when incidentally 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 with which he or she comes into the state;~~

~~(5) A person who restricts his or her practice to the manipulation of the soft tissue of the human body to hands, feet, or ears who does not have the client disrobe and does not hold himself or herself out as a massage therapist;~~

- ~~●—Reflexology~~

~~(6) A person who uses touch, words, and directed movement to deepen awareness of existing patterns of movement in the body 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 his or her services are not designated or implied to be massage or massage therapy;~~

- ~~●—Alexander Technique~~

- ~~●—Aston Patterning~~

- ~~●—Body-Mind Centering®~~

- ~~●—Feldenkrais Method® of Somatic Education~~

- ~~●—ISMETA—Registered Somatic Educator~~

- ~~●—ISEMTA—Registered Somatic Movement Therapist~~

- ~~●—Laban Movement Analysis~~

- ~~●—Rolf Institute® Rolf Movement Integration~~

- ~~●—Trager® Approach to Movement Education~~

~~(7) A person who uses touch and movement education to effect change in the structure of the body while engaged in the practice of structural integration, provided that he or she is a member of, or whose training would qualify for membership in, the International Association of Structural Integrators and provided that his or her services are not designated or implied to be massage or massage therapy;~~

- ~~●—Hellerwork®~~

- ~~●—Rolfing® Structural Integration~~

- ~~●—Structural Integration~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

~~POLICY A9 CONTINUED...~~

~~(8) A person who uses touch to affect the energy systems, polarity, acupoints, or Qi meridians, also known as channels of energy, of the human body while engaged within the scope of practice of a profession with established standards and ethics, provided that his or her services are not designated or implied to be massage or massage therapy;~~

- ~~• Asian Bodywork Therapy~~
- ~~• Acupressure~~
- ~~• Amma~~
- ~~• AMMA Therapy®~~
- ~~• Chi Nei Tsang~~
- ~~• Craniosacral Therapy~~
- ~~• Jin Shin~~
- ~~• Jin Shin Do® Bodymind Acupressure~~
- ~~• Jin Shin Jitsu~~
- ~~• Jin Shin Jyutsu®~~
- ~~• Medical Qigong~~
- ~~• Nuad Bo 'Rarn (Traditional Thai Bodywork)~~
- ~~• Okazaki Restorative Therapy~~
- ~~• Polarity~~
- ~~• Polarity Therapy~~
- ~~• Polarity Bodywork Therapy~~
- ~~• Qigong~~
- ~~• Reiki~~
- ~~• Shiatsu (all forms including, but not limited to, Five Element Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Macrobiotic Shiatsu, Ohashiatsu®, Quantum Shiatsu, Zen Shiatsu)~~
- ~~• Shiatsu Anma Therapy~~
- ~~• Tuina~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A9 CONTINUED...

(9) A person who was engaged in massage therapy practice prior to July 1, 2005; provided, however, the prohibition of subsection (c) of Code Section 43-24A-15 shall apply to such a person on and after July 1, 2007.

(10) Other examples of courses that would not be accepted include any courses on yoga, cupping, kinesiotaping or kinesiology taping, light therapy and CPR.

~~NOTE: THIS BOARD POLICY HAS BEEN INTRODUCED TO ASSIST THE STAFF OF THE PROFESSIONAL LICENSING BOARDS LICENSING DIVISION AND THE INVESTIGATIONS DIVISION IN UNDERSTANDING SOME OF THE MANY AND VARIOUS EXCEPTIONS OR EXEMPTIONS UNDER THE MASSAGE THERAPY PRACTICE ACT (O.C.G.A. § 43-24A). THIS LISTING IS NOT INCLUSIVE AND WILL BE UPDATED AS DETERMINED BY THE BOARD. STAFF OF THE PROFESSIONAL LICENSING BOARD DIVISION SHALL NOT INTERPRET GEORGIA LAW PERTAINING TO THE SCOPE OF PRACTICE OF LICENSED PROFESSIONS UNDER TITLE 43 OF THE O.C.G.A. PLEASE VISIT THE WEBSITE TO ALSO REVIEW THE LIST OF CONTINUING EDUCATION COURSES NOT ACCEPTED BY THE BOARD.~~

Adopted: 05-04-2007

Revised: 08-25-2017

Effective: _____



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A10

Category: Applications **Policy:** ■

Title: Clock Hour Conversions for Board Recognized Massage Education Programs

Statutory Basis: OCGA § 43-24A-3, 8 and 13

Rule Basis: Chapter 345-8

It is the policy of the Georgia Board of Massage Therapy to accept a transcript which is not presented in clock hours only if the massage therapy education program has achieved recognition by this Board **AND** the applicant's transcript is consistent with the transcript that was submitted to the Board when the massage therapy education program gained recognition status.

Any applicant for licensure who completed or graduated from a program that has not gained recognition status by this Board, will be required to cause the submission of a transcript which:

- 1) Reflects credits in the form of clock hours; or,
- 2) Includes documentation which showing the conversion factor(s) of semester or credit hours into clock hours.

~~Adopted: June 25, 2016~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY A11

Category: ~~Applications~~ **Policy:** ~~■~~
Title: ~~Inactive Status~~ **Procedure:** ~~■~~

Statutory Basis: ~~O.C.G.A § 43-24A-14(e)~~

Rule Basis: ~~Chapter 345-4-.04~~

~~The Board staff may administratively approve an application for inactive status if:~~

- ~~1) The application is postmarked as received in the Board office on or before October 31st of even numbers years;~~
- ~~2) The license meets the requirements of Board Rule 345-4-.04; and,~~
- ~~3) The license meets the requirements as outlined in Board Policies A1 and A2.~~

~~A list of licenses placed in an active status between board meetings in accordance with the rules and policies of the Board, will be ratified by the Board at their next scheduled meeting.~~

~~Adopted 10/28/2016~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY D1

Category: ~~Discipline~~ **Policy:** ~~■~~

Title: ~~Investigative Files~~ **Procedure:** ~~■~~

Statutory Basis: ~~O.C.G.A. § 43-1-19(h)(2); OCGA § 43-24A~~

Rule Basis: ~~N/A~~

Pursuant to the provisions of ~~OCGA § 43-24A~~, it is the policy of the Georgia Board of Massage Therapy to authorize the Board staff to release investigative information to the following law enforcement agency and/or lawful licensing authority:

- ~~1. All Georgia County and/or Judicial Circuit District Attorney Offices~~
- ~~2. All Georgia County and/or Judicial Circuit District Solicitor General Offices~~
- ~~3. All Georgia County, Judicial Circuit, and/or City Police/Investigations Departments.~~
- ~~4. Georgia Bureau of Investigation (GBI)~~
- ~~5. Federal Bureau of Investigation (FBI)~~
- ~~6. United States Department of Homeland Security (DHS)~~
- ~~7. United States Immigration and Customs Enforcement (Investigative arm of DHS)~~
- ~~8. United States Drug Enforcement Administration (DEA)~~
- ~~9. State Licensing Boards~~

Provided that the written request for investigative information is requested for the purpose of:

- ~~a. Conducting a Board investigation which may lead to disciplinary action; or~~
- ~~b. An investigation which may require criminal prosecution by a law enforcement agency or lawful licensing authority for offenses which are a violation of the laws, rules and policies of the Georgia board of Massage Therapy.~~

The Board staff shall notify the Board of such request and/or release in writing and such written notification shall become part of the Board's record of investigation. Any release of information shall include statements regarding the statutory confidentiality of investigations by the Board under the provisions of Title 43 of the Official code of Georgia Annotated.

A list of investigative files released under the terms of this policy will be presented to the Board to be ratified during the Board's next regularly scheduled meeting and will be reflected in the Board minutes.

Adopted: ~~10-2006~~

Revised: ~~06-25-2010~~

Revised: ~~06-27-2014~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY D2

Category: ~~Discipline~~ **Policy:** ■
Title: ~~Board Chair Express Consent for Executive Director to~~ **Procedure:** ■
~~Sign Consent Orders/Agreements~~

Statutory Basis: ~~O.C.G.A § 43-1-19; §43-24A~~

Rule Basis: ~~N/A~~

~~Between Board meetings, the Chair gives express consent for the Board's Executive Director, on the Chair's behalf, to sign a consent agreement or order signed by the applicant or licensee. The Executive Director will present to the full Board at the next scheduled meeting those individuals licensed in this manner for ratification.~~

~~Adopted: 10-19-2007~~

~~Revised: 06-25-2010~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY D3

Category: ~~Discipline~~ **Policy:** ~~■~~
Title: ~~Suspended Licenses Due to Non-Payment of Student~~ **Procedure:** ~~■~~
~~Loans and/or Child Support~~

Statutory Basis: ~~O.C.G.A § 43-1-19; §43-24A~~

Rule Basis: ~~N/A~~

~~The Executive Director or designated staff may suspend a license for nonpayment of student loans/child support, upon proper notification, between board meetings, and, further move that the listing be ratified at each subsequent board meeting.~~

~~Adopted: 11-02-2007~~

~~Revised: 06-25-2010~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY D4

Category: ~~Discipline~~ **Policy:** ~~■~~
Title: ~~Unlicensed Practice~~ **Procedure:** ~~■~~

Statutory Basis: ~~O.C.G.A § 43-1-19; §43-24A~~
Rule Basis: ~~BR 345-10-.01 and .04~~

~~Applications received indicating unlicensed practice on or after March 1, 2008 will be pursued, investigated and disciplined to the full extent of the law as the Board is allowed under the Massage Therapy Practice Act and the General Provisions statute governing all boards.~~

~~Adopted: 02-22-2008~~
~~Revised: 06-25-2010~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY D5

Category: ~~Discipline~~ **Policy:** ■
Title: ~~Voluntary Cease & Desist Orders Effective Upon Docketing~~ **Procedure:** ■

Statutory Basis: ~~O.C.G.A. § 43-1-19; §43-24A~~

Rule Basis: ~~Chapter 345-10~~

Pursuant to a vote of the Georgia Board of Massage Therapy (“Board”) on August 25, 2017, the Board authorizes employees or agents conducting an investigation on behalf of the Board to offer an individual (“Respondent”) a voluntary cease and desist order for the unlicensed practice of massage therapy under the provisions of O.C.G.A. § 43-1-20.1. A voluntary cease and desist order (“C & D Order”) may be offered to a Respondent if the employee or agent of the Board personally witnesses the following:

- (a) ~~The Respondent’s actively engaging in the practice of massage therapy without the Respondent holding an active and valid license issued by the Board pursuant to O.C.G.A. 43-24A Chapter 24 of Title 43.~~
- (b) ~~The Respondent’s representation as being a licensed massage therapist in written materials, advertisements, media products, name tags and other written material or media without holding an active and valid license;~~
- (c) ~~The Respondent’s verbal representation that he or she is a licensed massage therapist without holding an active and valid license; or,~~
- (d) ~~The Respondent producing and/or possessing a forged, altered or invalid license, or application or resume used to apply for or to obtain the Respondent’s licensure or employment as a licensed massage therapist in the state of Georgia.~~

The employee or agent of the Board must inform the Respondent of the following at the time a voluntary C & D is offered to the Respondent:

- (a) ~~Respondent’s signing the Voluntary Cease and Desist Order is optional and not mandatory.~~
- (b) ~~If the Respondent signs the Voluntary C & D Order, the Order will be processed and docketed as a public order of the Board. Upon docketing, Respondent’s pending case before the Board for unlicensed practice will be considered to be resolved. The Board reserves the right to investigate any information it receives, after the Order is docketed and effective, that the Voluntary C & D Order has been violated.~~
- (c) ~~If the Respondent does not sign the Voluntary C & D Order, the Board may issue a notice of hearing and hold a public hearing before the Board. At the hearing the evidence presented shall include, but may not be limited to, allegations that the Respondent engaged in the unlicensed practice of massage therapy. Based upon the evidence presented, the Board will determine whether to issue a C & D Order prohibiting the Respondent from violating Georgia law by engaging in the practice of massage therapy~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

~~without a license. If a C & D Order is issued by the Board, the Order shall become effective upon docketing and shall be considered a public Order of the Board.~~

- ~~(d) The violation of any C & D Order issued pursuant to O.C.G.A. § 43-1-20.1 shall subject the person violating the order to further proceedings before the Board, and the Board shall be authorized to impose a fine not to exceed \$500.00 for each transaction constituting a violation of the Order. Each treatment occurring on each day that an unlicensed person practices massage therapy on a patient or client may constitute a separate transaction which violates the terms of an effective C & D Order.~~
- ~~(e) Initial judicial review of a C & D Order issued by the Board pursuant to O.C.G.A. § 43-1-20.1, or the judicial review of an action for enforcement of an effective C & D Order, is available solely in the Superior Court of Bibb County, which is the domicile of the Board.~~

~~Adopted: 04-11-2008~~

~~Revised: 08-25-2017~~

~~Effective: _____~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY D6

Category: ~~Discipline~~ **Policy:** ■
Title: ~~Voluntary Surrender of Licensure Orders Effective~~ **Procedure:** ■
~~Upon Docketing~~

Statutory Basis: ~~O.C.G.A § 43-1-19; §43-24A~~

Rule Basis: ~~BR 345-10-.01~~

~~It is the policy of the Georgia Board of Massage Therapy to accept all Voluntary Surrender of Licensure orders upon receipt in the Board office, and, in addition, to authorize the Board Chairperson or his/her designee to execute the Order(s) and to authorize the Order(s) to be docketed. It is the intent of the Board that the orders will be in effect upon docketing. The Georgia Board of Massage Therapy will ratify the docketed Voluntary Surrender orders at its next meeting after the date of docketing and include a list of the approved orders in the Board's meeting minutes.~~

~~Adopted: 06-20-2008~~

~~Revised: 06-25-2010~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY D7

Category: ~~Discipline~~ **Policy:** ~~■~~
Title: ~~Continuing Education Fine Scale Policy~~ **Procedure:** ~~■~~

Statutory Basis: ~~O.C.G.A § 43-1-19; §43-24A~~
Rule Basis: ~~BR 345-4-.02 and .03; BR 345-10-.01~~

~~A licensee shall be subject to disciplinary action to include a Public Reprimand, consisting of but not limited to, a fine of \$500 per violation and a requirement that any deficient CE Hours be obtained within two (2) months of the effective date of the Public Reprimand should it be determined that the licensee:~~

- ~~1. Failed to obtain the required CE Hours within the two (2) year licensure period; or,~~
- ~~2. Falsely certifies that he/she has completed the continuing education requirement for renewal in accordance with Board rules; or,~~
- ~~3. Failed to register and ensure all CE Hours are recorded within an online recording and reporting system approved by the Board.~~

~~Adopted: 10-27-2010~~
~~Revised: 08-28-2015~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY D8

Category: ~~Discipline~~ **Policy:** ~~■~~
Title: ~~Fine Scale Policy: Non Licensure Advertisement~~ **Procedure:** ~~■~~

Statutory Basis: ~~O.C.G.A § 43-1-19; §43-24A~~

Rule Basis: ~~345-10-.01 and .03~~

The following fine scale has been established for licensees who fail to place his/her license number on all forms of advertisement as required per Rule 345-10-.03 (3) Advertising.

- ~~1st occurrence \$100.00 fine and the issuance of a private consent order~~
- ~~2nd occurrence \$200.00 fine and the issuance of a public consent order~~
- ~~3rd occurrence \$500.00 fine and public consent order with possible revocation of licensure.~~

~~Adopted: 02-16-2012~~



GEORGIA BOARD OF MASSAGE THERAPY

POLICIES AND PROCEDURES

POLICY D9

Category: _____ **Discipline:** _____ **Policy:** ■
Title: _____ **Notifications of FSMTB & NCBTMB Disciplinary Actions** _____ **Procedure:** ■

Statutory Basis: _____ O.C.G.A § 43-1-19; §43-24A

Rule Basis: _____

~~Pursuant to Board vote on June 24, 2016, it is the policy of the Georgia Board of Massage Therapy to authorize staff to initiate an investigation into the disciplinary actions taken by Federation of State Massage Therapy Boards (FSMTB) or the National Certification Board of Therapeutic Massage and Bodywork (NCTBTMB) against any Georgia applicant or NCBTMB Approved Continuing Education Provider, NCBTMB Certificant and/or Massage Therapy Education Program licensed and/or recognized in the state of Georgia by requesting the investigative records from FSMTB or NCBTMB.~~

~~Adopted: 06/24/2016~~