

**GEORGIA BOARD OF MASSAGE THERAPY
Board Open Session Meeting Minutes
Professional Licensing Boards, Room 136
237 Coliseum Drive, Macon, GA
Friday, March 14, 2025 - 12:00 p.m.**

The Georgia Board of Massage Therapy met on Friday, March 14, 2025. The following members were present:

Board Members Present

Craig Knowles, BAS, LMT, BCTMB, CNMT, Chair
Pam Nichols, LMT, CNMT, HNC, Board Member
Jane Boyles Curry, Consumer Board Member
Stephanie Bone', LMT, BWS, LDS, CR, Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Meagan Doss, Licensing Supervisor
Michelle Hornaday, Board Support Specialist

Board Members Absent

Dan Nichols, LMT, NMT, Vice Chair

Attorney General's Office Present

Thomas McNulty, Senior Assistant Attorney General

Visitors Present

Cindy E. Farrar, President, AMTA
Terri Barton, Chair of Government Relations, AMTA-GA
Libby Eason, President, Dr. Ida Rolf Institute Board of Directors

Call to Order Mr. Knowles established that a quorum was present and called the meeting to order at 12:09 p.m.

OPEN SESSION

Public Rules Hearing – Department 345. RULES OF THE GEORGIA BOARD OF MASSAGE THERAPY

Chapter 345-1. DEFINITIONS

Chapter 345-2. ORGANIZATION

Chapter 345-3. APPLICATIONS

Chapter 345-4. LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE

Chapter 345-5. LICENSURE BY ENDORSEMENT

Chapter 345-6. PROFESSIONAL AND UNPROFESSIONAL CONDUCT

Chapter 345-7. FEES

Chapter 345-8. REQUIREMENTS – BOARD RECOGNIZED MASSAGE THERAPY EDUCATION PROGRAM

Chapter 345-9. EXEMPTIONS FROM LICENSURE

Chapter 345-10. DISCIPLINE

Mr. Knowles called the hearing in the matter of a proposal to repeal Department 345. RULES OF THE GEORGIA BOARD OF MASSAGE THERAPY and adopt a newly proposed Department of the same name to order at 12:09 p.m. Members of the Board introduced themselves for the record and Mr. Knowles established that there was a quorum of the Board present, and Mr. Knowles acknowledged the presence of three members of the general public.

Mr. Knowles provided a brief synopsis of the purpose for the hearing to include the Board's proposal to repeal all the current rules in Department 345 Rules of the Georgia Board of Massage Therapy and adopt a new Department 345 Rules of the Georgia Board of Massage Therapy to include a new table of contents, new rules chapters, and new rules within those chapters. He further explained that the impetus for repealing and adopting a new Department 345 was the amendments of the Georgia Massage Therapy Practice Act that went into effect July 1, 2019, and the delay in holding this hearing can be attributed to the pandemic, staff and attorney attrition, and data system migration which took place in the Secretary of State Office. He noted that the Board took time to listen to constituents, monitor

trends within the state and across the nation and have proposed changes that will provide clarity and enhance public protection.

After acknowledging that the Notice of Intent and Notice of Hearing for this proposed change has been properly posted, Mr. Knowles stated no public comments for or against the proposed changes were received so he will proceed by reading aloud the purpose of each proposed rule chapter while the proposed rules within each chapter will be projected on the screen for an additional review. When the projector has reached the end of each rule within the chapter, he will pause to ask if there are any comments from the public. Mr. Knowles instructed everyone to raise their hand if they wish to speak and once acknowledged, to clearly state their First and Last Name, the organization or entity they represent, if any, followed by their statement, question, or comment about the rules within the chapter that has been projected.

Mr. Knowles asked that Board Members refrain from asking any questions until the conclusion of the person's statement. Any Board member who wants to ask a question of the individual who speaks should first identify themselves by name before asking the question. Mr. Knowles remarked that if there are no questions, statements, or comments, he will proceed to ask members of the Board if the purpose and rationales for the amendments in each chapter and rule remain unchanged, call for a vote on each rule chapter in its entirety as presented and engage the Board in the economic impact discussion on persons and businesses.

The hearing proceeded as follows:

CHAPTER 345-1. Definitions.

Rule 345-1-.01. Definitions.

Written Comments Received

No written comments were received.

Verbal Comments Received

No verbal comments were received.

Mr. Knowles proceeded to ask the Board if the members still contend that the language of the proposed rule chapter and the rules therein remove information asymmetries for consumers and make 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 proposed rule chapter offers no restrictions as the rule chapter only defines terms. The independent support provided for the amendment is the new statute. There is no economic impact for the proposed rule chapter.

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to accept the stated position, purpose, and rationales and adopt Chapter 345-1. Definitions and Rule 345-1-.01. Definitions. as posted.

The Board discussed the economic impact of Chapter 345-1. Definitions and Board Rule 345-1-.01. Definitions. upon licensees. Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of these rules do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative.

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-3(9), 43-24A-7(a)(1), 43-24A-8(b)(7), 43-24A-8(b)(6), 43-24A-9(b), 43-24A-14(b), and 43-24-A-20(a) and (b) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Massage Therapy.

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

Rule 345-2-.01. Officers.

Rule 345-2-.02. Rules and Regulations.

Rule 345-2-.03. Fees.

Written Comments Received

No written comments were received.

Verbal Comments Received

No verbal comments were received.

Mr. Knowles proceeded to ask the Board if the members still contend that the language of the proposed rule chapter and the rules therein further clarifies and elaborates on the powers of the Board and affects 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.

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to accept the stated position, purpose, and rationales and adopt Chapter 345-2. Organization and Administration of the Board. To include Rule 345-2-.01. Officers., Rule 345-2-.02. Rules and Regulations., and Rule 345-2-.03. Fees. as posted.

The Board discussed the economic impact of Chapter 345-2. Organization and Administration of the Board. To include Rule 345-2-.01. Officers., Rule 345-2-.02. Rules and Regulations., and Rule 345-2-.03. Fees. upon licensees. Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of these rules do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative.

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-3(9), 43-24A-7(a)(1), 43-24A-8(b)(7), 43-24A-8(b)(6), 43-24A-9(b), 43-24A-14(b), and 43-24-A-20(a) and (b) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Massage Therapy.

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

Rule 345-3-.01. Application for Licensure.

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

Rule 345-3-.03. Licensure by Endorsement.

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

Written Comments Received

No written comments were received.

Verbal Comments Received

No verbal comments were received.

Mr. Knowles proceeded to ask the Board if the members still contend that the language of the proposed rule chapter and the rules therein will prevent unsafe practices which will maintain and provide for competent practitioners, remove asymmetries for applicants, carries out policy objectives and ultimately enables qualified applicants to enter the workforce. This is the least restrictive way to accomplish statutory objectives, that independent support of these changes can be found in literature offered by NCBTMB and AMTA as well as the statute. The rules in this chapter will affect all applicants for licensure in like manner, except where authorized by statute for active-duty military, military spouses and transitioning service members. Whereas fees are associated with applications for licensure and liability insurance, they are statutorily required thus the rule carries out policy objectives expressed in the statute. There is a positive economic impact in that this chapter puts more people into the work force by providing clear instructions on the pathway to licensure and permits, thus allowing more people to practice and improving access to care.

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to accept the stated position, purpose, and rationales and adopt CHAPTER 345-3. Applications for Licensure, Provisional Permits & Endorsement to include Rule 345-3-.01. Application for Licensure., Rule 345-3-.02. Provisional Permit Applications and Requirements., Rule 345-3-.03. Licensure by Endorsement., and Rule 345-3-.04. Endorsement for Military Spouses, Service Members and Transitioning Service Members as posted.

The Board discussed the economic impact of CHAPTER 345-3. Applications for Licensure, Provisional Permits & Endorsement., Rule 345-3-.01. Application for Licensure., Rule 345-3-.02. Provisional Permit Applications and Requirements., Rule 345-3-.03. Licensure by Endorsement., and Rule 345-3-.04. Endorsement for Military Spouses, Service Members and Transitioning Service Members. upon licensees.

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of these rules do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative.

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-3(a), 43-1-7, 43-1-25, 43-24A-7(a)(1), 43-24A-7(b)(1),(2), 43-24A-8(b), 43-24A-9, 43-24A-11, 43-24A-13, and 43-1-34 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Massage Therapy.

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

Rule 345-4-.01. License Renewal.

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

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

Rule 345-4-.04. Inactive Status.

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

Written Comments Received

No written comments were received.

Verbal Comments Received

No verbal comments were received.

Mr. Knowles proceeded to ask the Board if the members still contend that the language of the proposed rule chapter and the rules therein carries 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. The rules

chapter removes asymmetries for applicants and licensees by clarifying requirements for license renewal, inactive status, reactivation, and reinstatement of a license. The rules chapter reduces barriers to licensure as the timeframe for which one can remain in an inactive or expired/revoked status has been extended and addresses legal counsels original concern that an equivalent entity to NCBTMB may be considered for the purposes of continuing education and continuing education providers as reflected in the statute. The rules chapter 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.

This version of this chapter is the least restrictive and supported by statute and may have a positive economic impact in that those who achieve licensure by these methods become gainfully employed and benefit from, as well as contribute to, the economy; but a negative economic impact may arise if the person applying fails to meet any of the requirements which are based on the provisions of the statute, subjecting them to disciplinary action or delay in returning to practice. And applies all requirements equitably, thus making the negative economic impact negligible as persons can avoid the negative impact if all requirements are met.

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to accept the stated position, purpose, and rationales and adopt CHAPTER 345-4. Renewal, Continuing Education, Inactive Status & Reinstatement, to include Rule 345-4-.01. License Renewal., Rule 345-4-.02. Continuing Education Hours., Rule 345-4-.03. Approved Continuing Education Providers., Rule 345-4-.04. Inactive Status., and Rule 345-4-.05. Reinstatement of a License. as posted.

The Board discussed the economic impact of CHAPTER 345-4. Renewal, Continuing Education, Inactive Status & Reinstatement, Rule 345-4-.01. License Renewal., Rule 345-4-.02. Continuing Education Hours., Rule 345-4-.03. Approved Continuing Education Providers., Rule 345-4-.04. Inactive Status., and Rule 345-4-.05. Reinstatement of a License. upon licensees.

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of these rules do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative.

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-4, 43-1-7, 43-1-19, 43-1-25, 43-1-31(b), 43-24A-3(9), 43-24A-7(a)(1), 43-24A-7(b)(2), 43-24A-7(b)(9), 43-24A-8(a),(b)(8), 43-24A-14(b),(c),(e)(f), 43-24A-20(a) (b), and 50-13-18(b). to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Massage Therapy.

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

Rule 345-5-.01. Professional Standards.

Rule 345-5-.02. Unprofessional Conduct.

Rule 345-5-.03. Scope of Practice of Massage Therapy Students.

Rule 345-5-.04. Unlicensed Practice.

Written Comments Received

No written comments were received.

Verbal Comments Received

No verbal comments were received.

Mr. Knowles proceeded to ask the Board if the members still contend that the language of the proposed rule chapter and the rules therein clarifies what 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 chapter educates 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 chapter serves as a deterrent to unsafe practices and has 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 or criminal prosecution.

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to accept the stated position, purpose, and rationales and adopt CHAPTER 345-5. Professional and Unprofessional Conduct, Scope of Practice of Massage Therapy Students., to include Rule 345-5-.01. Professional Standards., Rule 345-5-.02. Unprofessional Conduct., Rule 345-5-.03. Scope of Practice of Massage Therapy Students., and Rule 345-5-.04. Unlicensed Practice. as posted.

The Board discussed the economic impact of CHAPTER 345-5. Professional and Unprofessional Conduct, Scope of Practice of Massage Therapy Students., Rule 345-5-.01. Professional Standards., Rule 345-5-.02. Unprofessional Conduct., Rule 345-5-.03. Scope of Practice of Massage Therapy Students., and Rule 345-5-.04. Unlicensed Practice. upon licensees.

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of these rules do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative.

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-2(k), 43-1-19(a)(7), 43-1-19(a)(2), (7), and (8), 43-1-19(a)(10), 43-1-19(d)(7), 43-1-25, 43-1-27, 43-24A-3(8),(9), 43-24A-7(a)(1), 43-24A-7(b)(8), 43-24A-7(b)(6), (9), 43-24A-8(b)(8), 43-24A-14(a), 43-24A-14(c), 43-24A-15(a)(15), 43-24A-15(b)(2), 43-24A-15(d)(2), 43-24A-17, 43-24A-17(a), 43-24A-19(a)(2) and 43-24A-21 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Massage Therapy.

CHAPTER 345-6. Standards for Massage Therapy Educational Programs.

Rule 345-6-.01. Board Recognition Status Requirements.

Rule 345-6-.02. Curriculum Requirements.

Rule 345-6-.03. Faculty Requirements.

Rule 345-6-.04. Reconstitution or Discontinuation of a Massage Therapy Educational Program.

Rule 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status.

Written Comments Received

No written comments were received.

Verbal Comments Received

No verbal comments were received.

Mr. Knowles proceeded to ask the Board if the members still contend that the language of the proposed rule chapter and the rules therein strengthens instructor requirements for those employed at Board-approved massage therapy educational programs to the benefit of program graduates and in the interest of public protection. The rules chapter provides for better, more experienced educators who will produce quality graduates and clarifies the laws and rules

educators are to uphold. The rules chapter removes a barrier for schools within the Technical College System of Georgia by eliminating the need for them to submit petitions to waive the Nonpublic Postsecondary Education Commission requirement. The rules chapter impacts all massage therapy educational programs equitably and upholds national standards as to what information other healthcare educational programs are required to collect and maintain on their students. The rules chapter provides for a positive economic impact for the massage therapy educational programs and potential students as it eliminates barriers for programs to gain Board recognition and enables prospective students to obtain licensure more readily.

The rules chapter ensures that the programs employ competent faculty and practitioners; thus, decreasing the chance that students will be taught unsafe practices. They further protect the students' educational environment by requiring that there be qualified faculty present who are responsible for the education the massage therapy students receive. And the standards therein are consistent with cross-professional education standard; that the degree or experience requirement in Board Rule 345-6-.03(3) will be amended to go into effect July 1, 2027, to ensure that faculty within current programs will be able to comply with this requirement and not lose current faculty as current faculty have already met a minimum 2-year experience requirement.

The rules chapter has the potential for a negative economic impact by increasing the minimum basic requirements to teach in a massage education program, creating the need for programs to amend their faculty recruitment strategies, and the cost for hiring more qualified staff with the potential for that cost to be passed on to the students. However, the negative impact is negligible when considering the safety and welfare of the students and the public that they will eventually serve. Additionally, students pay to attend institutions of higher learning to receive the best quality education in the hope that such education will ensure that he or she will be able to enter the profession, practice safely and reap the personal and financial benefits of the labor and cost it took to obtain the profession. Attendance at a program which lacks proper accreditation, recognition and faculty means that it is less likely that the student will reap those benefits.

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to accept the stated position, purpose, and rationales and adopt CHAPTER 345-6. Standards for Massage Therapy Educational Programs., to include Chapter 345-6. Standards for Massage Therapy Educational Programs., and Rule 345-6-.01. Board Recognition Status Requirements., Rule 345-6-.02. Curriculum Requirements., Rule 345-6-.03. Faculty Requirements., Rule 345-6-.04. Reconstitution or Discontinuation of a Massage Therapy Educational Program., Rule 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status. as posted.

The Board discussed the economic impact of CHAPTER 345-6. Standards for Massage Therapy Educational Programs., Rule 345-6-.01. Board Recognition Status Requirements., Rule 345-6-.02. Curriculum Requirements., Rule 345-6-.03. Faculty Requirements., Rule 345-6-.04. Reconstitution or Discontinuation of a Massage Therapy Educational Program., Rule 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status. upon licensees.

Ms. Curry motioned, Ms. Bone' seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of these rules do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative.

Ms. Bone' motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-7, 43-1-19(g)(1), 43-1-25, 43-24A-7(a)(1), 43-24A-7(b)(7), (9), (10), 43-24A-3(4), and 43-24A-17 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Massage Therapy.

CHAPTER 345-7. Discipline.

Rule 345-7-.01. General Provisions.

Rule 345-7-.02. Display of License.

Rule 345-7-.03. Advertising.

Written Comments Received

No written comments were received.

Verbal Comments Received

No verbal comments were received.

Mr. Knowles proceeded to ask the Board if the members still contend that the language of the proposed rule chapter and the rules therein removes information asymmetries for consumers expressed in statutes and carry out the policy objectives stated therein. The rules chapter clarifies how the license display requirement is still applicable to individuals who have a mobile massage therapy practice. The rules chapter enhances public protection by aligning the rule chapter with what is expected of healthcare practitioners referenced in the ‘Georgia Consumer Information and Awareness Act’ and further outlining the consequences of deceptive advertising practices and the use of illicit images in advertising. The rules chapter only has a negative economic impact upon licensees and business owners if they are found to be in violation. The rules chapter does not impose excessive regulatory costs on any licensee and any cost to comply with the proposed rule chapter cannot be reduced by a less expensive alternative. The formulation and adoption of this proposed rule chapter will impact every licensee in the same manner and each licensee is independently licensed in the field of Massage Therapy.

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to accept the stated position, purpose, and rationales and adopt Chapter 345-7. Discipline., to include Rule 345-7-.01. General Provisions., Rule 345-7-.02. Display of License., and Rule 345-7-.03. Advertising. as posted.

The Board discussed the economic impact of CHAPTER 345-7. Discipline., and Rule 345-7-.01. General Provisions., Rule 345-7-.02. Display of License., and Rule 345-7-.03. Advertising. upon licensees. Ms. Curry motioned, Ms. Bone’ seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of these rules do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative.

Ms. Bone’ motioned, Ms. Nichols seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19(a), (d), 43-1-25, 43-1-20.1, 43-1-25, 43-24A-7(a)(1), 43-24A-7(a)(6), 43-24A-14(a), 43-24A-15(d)(1), 43-24A-17(a)(3) and 43-24A-7 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Massage Therapy.

Ms. Nichols motioned, Ms. Curry seconded, and the Board voted unanimously in favor of the motion to release the Memoranda of Authority regarding Department 345 Rules of the Georgia Board of Massage Therapy to the Governor’s Office.

The hearing was adjourned at 12:38 p.m.

ATTACHMENT A - NOI TO REPEAL AND NOH TO ADOPT PROPOSED RULES CHAPTER 345

Adjournment With no further business to be discussed, the meeting was adjourned at 12:39 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Meagan Doss, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: April 11, 2025

CRAIG KNOWLES
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR

**NOTICE OF INTENT TO REPEAL AND ENTIRELY REPLACE
GEORGIA BOARD OF MASSAGE THERAPY
DEPARTMENT 345. RULES OF GEORGIA BOARD OF
MASSAGE THERAPY
AND NOTICE OF PUBLIC HEARING TO ADOPT
PROPOSED AMENDMENT DEPARTMENT 345.
RULES OF GEORGIA BOARD OF MASSAGE THERAPY**

Chapter 345-1. DEFINITIONS

—— Rule 345-1-.01 Definitions

Chapter 345-2. ORGANIZATION

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

Rule 345-2-.02 Officers

Rule 345-2-.03 Meetings of the Board

Rule 345-2-.04 Rules and Regulations

Chapter 345-3. APPLICATIONS

—— Rule 345-3-.01 Provisional Permits

Rule 345-3-.02 Application for Licensure

Chapter 345-4. LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE

—— Rule 345-4-.01 License Renewal

Rule 345-4-.02 Continuing Education Hours

Rule 345-4-.03 Continuing Education Providers

Rule 345-4-.04 Inactive Status

Rule 345-4-.05 Reinstatement of a License

Chapter 345-5. LICENSURE BY ENDORSEMENT

—— Rule 345-5-.01 Licensure by Endorsement

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

Chapter 345-6. PROFESSIONAL AND UNPROFESSIONAL CONDUCT

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

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

Chapter 345-7. FEES

—— Rule 345-7-.01 Approved Fees

Chapter 345-8. REQUIREMENTS – BOARD RECOGNIZED MASSAGE THERAPY EDUCATION PROGRAM

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

Rule 345-8-.02 Faculty Requirements. Amended

Rule 345-8-.03 Board Recognition Status

Chapter 345-9. EXEMPTIONS FROM LICENSURE

—— Rule 345-9-.01 Exemptions from Licensure

Chapter 345-10. DISCIPLINE

—— Rule 345-10-.01 General Provisions

Rule 345-10-.02 Display of License

Rule 345-10-.03 Advertising

Rule 345-10-.04 Unlicensed Practice

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Massage Therapy (hereinafter “Board”) proposes an amendment to Board Rules Chapter 345 in its entirety (herein after “proposed rule”).

This notice, an exact copy of the proposed rules chapter, and a synopsis of the proposed rules are being sent to all persons who have requested, in writing, to be included on a notification list. This notice, an exact copy of the proposed rule, and a synopsis of the proposed rule may also be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The documents will also be available for review on the Board’s website at <https://sos.ga.gov/page/georgia-board-massage-therapy-rules-and-laws>. Copies may also be requested by contacting the Board office at (844) 753-7825.

The public will have an opportunity to comment upon and provide input into the proposed rule amendment at a public hearing to be held at 12:00 PM, March 14, 2025, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The hearing will be held at 237 Coliseum Drive, Macon, Georgia 31093.

Interested parties affected by the rule may submit written comments to the Board no later than the close of business on March 7, 2025. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and addressed to Gabriel Sterling, Interim Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Written comments may be submitted by email to PLB-Healthcare2@sos.ga.gov.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record in advance. Oral statements will be limited to five (5) minutes per person.

The Board voted to post this Notice of Intent at its meetings on August 30, 2019, October 10, 2019, June 12, 2020, April 9, 2021, April 22, 2022, August 12, 2022, December 2, 2022, and June 16, 2023, and June 14, 2024, meetings. The Board also voted that the formulation and adoption of this rule amendment does not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-2(k), 43-1-3(a), 43-1-4, 43-1-7, 43-1-19(a)(2),(7),(8),(10), and (d)(7), 43-1-20.1, 43-1-25, 43-1-27, 43-1-31(b), 43-1-34, 43-24A-3(4), (8), and (9), 43-24A-6, 43-24A-7(a)(1), (b)(1),(2),(6),(7),(8), (9), and (10), 43-24A-8(b) and (b)(7-8), 43-24A-8(b)(6) and (8), 43-24A-9(b), 43-24A-11, 43-24A-13, 43-24A-14(a),(b),(c),(e), and (f), 43-24A-15(a)(15), (b)(2), and (d)(1 - 2), 43-24A-17(a)(3), 43-24A-18, 43-24-19(a)(2), 43-24-A-20(a) and (b), 43-24A-21, and 50-13-3.

Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-1-2(k), 43-1-3(a), 43-1-4, 43-1-7, 43-1-19(a)(2),(7),(8),(10), and (d)(7), 43-1-20.1, 43-1-25, 43-1-27, 43-1-31(b), 43-1-34, 43-24A-3(4), (8), and (9), 43-24A-6, 43-24A-7(a)(1),(b)(1),(2),(6),(7),(8),(9), and (10), 43-24A-8(b) and (b)(7-8), 43-24A-8(b)(6) and (8), 43-24A-9(b), 43-24A-11, 43-24A-13, 43-24A-14(a),(b),(c),(e), and (f), 43-24A-15(a)(15), (b)(2), and (d)(1 - 2), 43-24A-17(a)(3), 43-24A-18, 43-24-19(a)(2), 43-24-A-20(a) and (b), 43-24A-21, and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the massage therapy.

According to the Department of Law of the State of Georgia, the Georgia Board of Massage Therapy has the authority to adopt proposed Rules Chapter 345 pursuant to authority contained in O.C.G.A. §§ 43-1-2(k), 43-1-3(a), 43-1-4, 43-1-7, 43-1-19(a)(2),(7),(8),(10), and (d)(7), 43-1-20.1, 43-1-25, 43-1-27, 43-1-31(b), 43-1-34, 43-24A-3(4), (8), and (9), 43-24A-6, 43-24A-7(a)(1),(b)(1),(2),(6),(7),(8),(9), and (10), 43-24A-8(b) and (b)(7-8), 43-24A-8(b)(6) and (8), 43-24A-9(b), 43-24A-11, 43-24A-13, 43-24A-14(a),(b),(c),(e), and (f), 43-24A-15(a)(15), (b)(2), and (d)(1 - 2), 43-24A-17(a)(3), 43-24A-18, 43-24-19(a)(2), 43-24-A-20(a) and (b), 43-24A-21, and 50-13-3.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the _____ day of _____, 2025.

Todd Zandrowicz
Division Director
Professional Licensing Boards Division

Posted: _____

**SYNOPSIS OF PROPOSED CHANGES OF TO THE
GEORGIA BOARD OF MASSAGE THERAPY RULES CHAPTER 345
RULES OF GEORGIA BOARD OF MASSAGE THERAPY**

Purpose: Based on the amendments to the Georgia Massage Therapy Practice Act that was incorporated into the Official Code of Georgia Annotated on July 8, 2019, the Georgia Board of Massage Therapy conducted a comprehensive review of all the current rules and policies of the Board. During meetings on August 30, 2019, October 10, 2019, June 12, 2020, April 9, 2021, April 22, 2022, and August 12, 2022, the Board entered a motion to refer the entire rules chapter to the Attorney General's Office for memoranda of authority. If authority is granted, the amendments will be posted for hearing to propose repealing the current chapter and adopt the new chapter as presented. The purpose of the proposed adoption is to amend the rules chapter to align the current rules chapter with the statute, prohibit and prevent unsafe practices and/or fraud, ensure competent practitioners, expand access to care and services, and remove information asymmetries for consumers all of which will carry out policy objectives that are expressed in a statute. A more detailed synopsis of the proposed rules is provided before each of the proposed rule chapters. The Board discussed the economic impact in detail for each and determined that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-50-21, 43-50-23, 43-50-24, 43-50-31 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same or like manner and each licensee is independently licensed in the field of Massage Therapy.

RULES

OF

~~GEORGIA BOARD OF MASSAGE THERAPY~~

~~CHAPTER 345-1~~

~~DEFINITIONS~~

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

~~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, by 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. Sees. [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.

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OF
GEORGIA BOARD OF MASSAGE THERAPY
CHAPTER 345-2
ORGANIZATION
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~~Rule 345-2-.01. Organization of the Board~~

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

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

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

~~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. Secs. [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. Secs. [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.

RULES
OF
GEORGIA BOARD OF MASSAGE THERAPY
CHAPTER 345-3
APPLICATION
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Rule 345-3-.01. Provisional Permits

Rule 345-3-.02. Application for Licensure

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;

- (e) 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:
 - i. 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.

**RULES
OF
GEORGIA BOARD OF MASSAGE THERAPY**

CHAPTER 345-4

**LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND
REINSTATEMENT OF LICENSE**

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- Rule 345-4-.01 License Renewal**
- Rule 345-4-.02 Continuing Education Hours**
- Rule 345-4-.03 Continuing Education Providers**
- Rule 345-4-.04 Inactive Status**
- Rule 345-4-.05 Reinstatement of a License**

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. Secs. ~~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, 50-13-343-24A-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. Sept. 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. Sept. 20, 2011.~~

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

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

RULES

OF

GEORGIA BOARD OF MASSAGE THERAPY

CHAPTER 345-5

LICENSURE BY ENDORSEMENT

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Rule 345-5-.01 Licensure by Endorsement

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

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.

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GEORGIA BOARD OF MASSAGE THERAPY

CHAPTER 345-6

PROFESSIONAL AND UNPROFESSIONAL CONDUCT

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Rule 345-6-.01 Professional and Unprofessional Conduct

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

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, 43-24A-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.

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

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.

RULES

OF

GEORGIA BOARD OF MASSAGE THERAPY

CHAPTER 345-8

REQUIREMENTS – BOARD RECOGNIZED MASSAGE THERAPY EDUCATION PROGRAM

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

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

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

~~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, unenumerated 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.

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GEORGIA BOARD OF MASSAGE THERAPY

CHAPTER 345-9

EXEMPTIONS FROM LICENSURE

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Rule 345-9-.01 Exemptions from Licensure

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.

RULES

OF

GEORGIA BOARD OF MASSAGE THERAPY

CHAPTER 345-10

DISCIPLINE

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~~Rule 345-10-.01 General Provisions~~

~~Rule 345-10-.02 Display of License~~

~~Rule 345-10-.03 Advertising~~

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

~~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.

PROPOSED AMENDMENT TO DEPARTMENT 345.

RULES

OF

GEORGIA BOARD OF MASSAGE THERAPY

CHAPTER 345

RULES OF GEORGIA BOARD OF MASSAGE THERAPY

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Rule 345-3-.03. Licensure by Endorsement.

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Rule 345-6-.02. Curriculum Requirements.

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**SYNOPSIS OF PROPOSED AMENDMENT TO
DEPARTMENT 345. RULES OF GEORGIA BOARD OF MASSAGE THERAPY
RULES CHAPTER 345,
CHAPTER 345-1. DEFINITIONS**

Purpose: The purpose of Rule Chapter 345-1. 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 offer no restrictions as the chapter only defines terms. The independent support provided for the amendment is the new statute. There is no economic impact for the amendment.

RULES

OF

GEORGIA BOARD OF MASSAGE THERAPY

CHAPTER 345-1

DEFINITIONS

TABLE OF CONTENTS

Rule 345-1-.01. Definitions.

Rule 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 the two (2) year period in which a license is valid.
- (3) "Complementary methods" means supportive treatments that are often used to help relieve symptoms or side effects of a condition, and can improve quality of life and well-being.
- (4) "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. Continuing education may include supervised in-person or distance learning activities.
- (5) "Distance learning activity" is continuing education provided by a board approved provider that is not physically present.
- (6) "FSMTB" means the Federation of State Massage Therapy Boards.
- (7) "Hands-on instruction" means that a board approved provider directly supervises a student while the student is engaged in the direct application of touch, pressure, movement, and holding to the soft tissue of the body of a person..
- (8) "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.

- (9) “Massage therapy client” means a person who compensates a licensee for massage therapy services. The client-therapist relationship ends 6 months after the last date of service rendered. The term “client” in this definition is synonymous to the term “patient.”
- (10) "MBLEx" means the national Massage & Bodywork Licensing Examination.
- (11) “Licensed healthcare professional” means a person licensed, registered, or certified under Title 43, Chapter 24A and O.C.G.A. § 43-1-33(3) 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.
- (12) "NCBTMB" means National Certification Board for Therapeutic Massage & Bodywork.
- (13) "NCETM" means National Certification Examination for Therapeutic Massage.
- (14) "NCETMB Examination" means National Certification Exam for Therapeutic Massage & Bodywork.
- (15) “Sexual activity” means any verbal and/or nonverbal behavior for the purpose of soliciting, receiving or giving sexual gratification. Sexual activity may include, but is not limited to inappropriate:
 - (a) Touch, hugs or body language;
 - (b) Verbal dialogue about sexual preferences, fantasies, or jokes;
 - (c) Verbal or physical flirtatious behavior;
 - (d) Seductive or sexually demeaning gestures; or,
 - (e) Failure to ensure client’s privacy in disrobing or dressing, filming the client without his or her permission;
- (16) “Sexual Misconduct” is behavior involving sexualizing of, or engagement in, sexualized contact with a client/student/mentee/employee/trainee during or after the professional relationship has ended.
- (17) "Supervision" means a qualified massage therapist supervisor is physically on-site and immediately available.
- (18) “Therapeutic Relationship” is the ongoing relationship between a therapist and a client established to support the client’s therapeutic goals.
- (19) “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.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-3(9), 43-24A-7(a)(1), 43-24A-8(b)(7), 43-24A-8(b)(6), 43-24A-9(b), 43-24A-14(b), and 43-24-A-20(a) and (b).

**SYNOPSIS OF PROPOSED AMENDMENT TO
DEPARTMENT 345. RULES OF GEORGIA BOARD OF MASSAGE THERAPY
RULES CHAPTER 345,
CHAPTER 345-2 ORGANIZATION AND ADMINISTRATION OF THE BOARD**

Purpose: The purpose of the amendments to Rule Chapter 345-2 Organization and Administration of the Board is to educate and inform licensees and the general public about the selection of officers and the board's authority to promulgate rule to fulfill their mandate. This section further clarifies and elaborates on the 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.

**RULES
OF
GEORGIA BOARD OF MASSAGE THERAPY
CHAPTER 345-2
ORGANIZATION AND ADMINISTRATION OF THE BOARD
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Rule 345-2-.01. Officers.

Rule 345-2-.02. Rules and Regulations.

Rule 345-2-.03. Fees.

Rule 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.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-7(a)(1), and 43-24A-6.

Rule 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.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-7(a)(1), 43-24A-18, and 50-13-3.

Rule 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 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; and,
 - (i) Wall Certificate; Duplicate Wall Certificate.

Authority: O.C.G.A. §§ 43-1-7, 43-1-25, 43-24A-3(4), 43-24A-7(a)(1), 43-24A-8(b), 43-29A-9(b), and 43-24A-14(b).

**SYNOPSIS OF PROPOSED AMENDMENT TO
DEPARTMENT 345. RULES OF GEORGIA BOARD OF MASSAGE THERAPY
RULES CHAPTER 345,
CHAPTER 345-3 APPLICATIONS FOR LICENSURE, PROVISIONAL
PERMITS & ENDORSEMENT**

Purpose: The purpose of Rule Chapter 345-3 Applications for Licensure, Provisional Permits & Endorsement 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 enable qualified applicants to enter the workforce. The Board 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 these rules serve 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 rules accomplish this by providing appropriate oversight and supervision by competent practitioners who hold a license to practice in Georgia.

An additional purpose for the proposed amendments is to expand access to care and services. This allows for more people to enter the workforce to provide services, particularly in some underserved areas of the state. The rule revisions are 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.

RULES
OF
GEORGIA BOARD OF MASSAGE THERAPY
CHAPTER 345-3

**APPLICATIONS FOR LICENSURE, PROVISIONAL
PERMITS & ENDORSEMENT**

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Rule 345-3-.01. Application for Licensure.

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

Rule 345-3-.03. Licensure by Endorsement.

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

Rule 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) Proof that the passing score on the Board approved examination was achieved within five (5) years of the date of application.
 - (e) Applicants educated within the United States must also:
 - 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 must also:

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.

Authority: O.C.G.A. §§ 43-1-3(a), 43-1-7, 43-1-25, 43-24A-7(a)(1), 43-24A-7(b)(1),(2), 43-24A-8(b), and 43-24A-11.

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(14), 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) Be physically on-site and immediately available;
 - (c) 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,
 - (d) A Georgia licensed Massage Therapist can only supervise one provisional permit holder at any given time.
 - (e) 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) 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.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-7(a)(1), and 43-24A-9.

Rule 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.

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

Authority: O.C.G.A. §§ 43-1-25, 43-24A-7(a)(1), 43-24A-7(b)(1),(2), 43-24A-8(b)(8), and 43-24A-13.

Rule 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.

Authority: O.C.G.A. §§ 43-1-25, 43-1-34, 43-24A-7(a)(1), 43-24A-7(b)(1),(2), 43-24A-8, 43-24A-13.

**SYNOPSIS OF PROPOSED AMENDMENT TO
DEPARTMENT 345. RULES OF GEORGIA BOARD OF MASSAGE THERAPY
RULES CHAPTER 345,
CHAPTER 345-4 RENEWAL, CONTINUING EDUCATION,
INACTIVE STATUS & REINSTATEMENT**

Purpose: 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 rule 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 Board 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 fails to meet any of the requirements which are based on the 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 Board feels that the negative economic impact is negligible as persons can avoid the negative impact if all requirements are met.

RULES

OF

GEORGIA BOARD OF MASSAGE THERAPY

CHAPTER 345-4

**RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS &
REINSTATEMENT**

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Rule 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. If an incomplete application is not made complete within the designated time frame, the license may lapse for failure to renew.”
- (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 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 may result in the license lapsing for failure to renew. Such a license shall be subject to reinstatement only after receipt of the reinstatement application and fee at the discretion of the Board.

Authority: O.C.G.A. §§ 43-1-4, 43-1-7, 43-1-19, 43-1-25, 43-1-31(b), 43-24A-7(a)(1), 43-24A-7(b)(2), 43-24A-8(a),(b)(8), 43-24A-14(b),(c),(e), and 50-13-18(b).

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 course must be provided by an individual who is either approved by NCBTMB, or another continuing education approval agency with standards that are equivalent to NCBTMB, or another state licensing board.
- (a) Only continuing education hours obtained after the issuance of a license may be submitted to meet the requirements for license renewal.
- (b) Of the twenty-four (24) hours of CE required each biennium, twelve (12) of those hours must be derived from courses in which the provider offers hands-on, supervised instruction in the direct application of touch, pressure, movement, and holding to the soft tissue of the body of a person. The remaining twelve (12) hours may also be derived from courses that offer this hands-on supervised instruction or may be from other courses instructing on topics within the scope of massage therapy, practice, to include complementary methods, or any of the modalities listed in O.C.G.A. § 43-24A-19(a)(5 – 8).
- (c) CE hours for renewal must be obtained during the two-year period immediately preceding the license expiration date.
- (d) In order to qualify as “hands-on, supervised instruction” at least seventy percent (70%) of the time spent in the course must consist of hands-on experience or demonstration.
- (e) Hours taken to meet the conditions of a board order may not be used to satisfy continuing education requirements for license renewal.

- (f) Continuing education providers shall not submit continuing education activities and certificates for any of the courses he or she teaches to meet his or her own continuing education requirements for license renewal.
- (2) Licensees must maintain documentation of completion of the continuing education activities as required in 345-4-.02 for no less than four (4) years from the date of licensure renewal. Licensees shall be required to produce documentation of the completion of the continuing education activities for renewal of the license if audited during the renewal process and during any investigation. Failure to provide documentation shall be grounds for the denial of the renewal application or revocation or immediate suspension of the licensure. In order to assist licensees in the maintenance of these records, the Board has adopted CE Broker, Incorporated to serve as the online reporting and recording system for licensees.
- (a) Licensees and applicants shall incur no costs from CE Broker, Incorporated for use of basic reporting and recording services.
- (b) Every licensee or applicant subject to the rules of the Board shall be deemed to have given consent to the Board and its representatives to access their continuing education records retained within the online database for the purposes of auditing and verifying completion of the Board's continuing education requirements. Such licensee or applicant waives any objections to the admissibility of the record and/or any continuing education documentation introduced in any proceeding or hearing before the Board.
- (c) 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, if applicable, or official seal of approval, 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, if applicable, or official seal of approval, 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, if applicable, or official seal of approval, 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) 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.
- (5) 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.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-3(9), 43-24A-7(a)(1), 43-24A-14(b), 43-24-A-20(a) and (b).

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, was approved by another continuing education approval agency with standards equivalent to NCBTMB or was approved by a state licensing board at the time that the course was provided.
 - (b) Holds an unencumbered license(s) to practice as a massage therapist or other healthcare professional at the time that the course is to be offered;
 - (c) 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) which may include structured touch, pressure, movement, complimentary methods.
 - (i) Courses that only contain modalities that touch the body will be considered hands-on hours.
 - (ii) Courses that contain modalities that do not touch the body will only count towards non-hands-on hours.
- (2) A provider is only authorized to teach those courses which appear on the list of courses her or she is approved to teach by NCBTMB or equivalent agency. On the date of completion for each continuing education course, the provider must provide a certificate of completion. Certificates of completion must include the following:
 - (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 Approved Provider's name;
- (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.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-3(9), 43-24A-7(a)(1), 43-24A-7(b)(9), 43-24A-20(a) and (b).

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) Licensees who wish to reactivate their massage therapy license shall submit a complete application for reactivation of licensure to the Board.
- (4) If a license has been inactive in Georgia for a period less than five (5) years, the licensee must meet the requirements for reinstatement pursuant to Rule 345-4-.05(3)(d)(1) and (4 through 6).
- (5) 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(3)(d) (2)(ii) and (4 through 6).

Authority: O.C.G.A. §§ 43-1-25, 43-24A-7(a)(1), and 43-24A-14(f).

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-.02, 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 345-4-.02; and,
 - (i) 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 was received by the board, or thereafter; and,
 - (ii) Verification of having passed the MBLEx or other board approved exam within twelve (12) months of the date the reinstatement application is received by the board, or thereafter.
- (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 to include but not limited to applicants for reinstatement meeting all requirements outlined O.C.G.A. 43-24A-8.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-3(9), and 43-24A-14(b).

**SYNOPSIS OF PROPOSED AMENDMENT TO
DEPARTMENT 345. RULES OF GEORGIA BOARD OF MASSAGE THERAPY
RULES CHAPTER 345,
CHAPTER 345-5 PROFESSIONAL AND UNPROFESSIONAL CONDUCT,
SCOPE OF PRACTICE OF MASSAGE THERAPY STUDENTS.**

Purpose: The purpose of Rules Chapter 345-5. Professional and Unprofessional Conduct, Scope of Practice of Massage Therapy Students is to clarify what 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.

RULES

OF

GEORGIA BOARD OF MASSAGE THERAPY

CHAPTER 345-5

**PROFESSIONAL AND UNPROFESSIONAL CONDUCT,
SCOPE OF PRACTICE OF MASSAGE THERAPY STUDENTS**

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Rule 345-5-.01. Professional Standards.

(1) General Guidelines or Standards: The licensed Georgia Massage Therapist shall:

- (a) Provide a treatment environment that meets all legal requirements for health and safety;**
- (b) Use standard precautions to ensure professional hygienic practices and maintain a level of personal hygiene appropriate for practitioners in the therapeutic setting;**
- (c) Obtain voluntary and informed consent from the client prior to initiating the session;**
- (d) Conduct an accurate needs assessment, develop a plan of care with the client, and update the plan as needed;**
- (e) Use appropriate draping while providing massage therapy;**
- (f) Be knowledgeable of the minimum standard of practice of massage therapy;**

(g) List the massage therapy license number on all business cards, brochures, advertisements.

(2) Legal and Ethical Requirements: The licensee must comply with all the legal requirements in applicable jurisdictions regulating the profession of therapeutic massage and bodywork to include but not limited to:

(a) Obeying all local, state, and federal laws;

(b) Maintaining accurate and truthful records;

(c) Reporting to the Georgia Board of Massage Therapy any felony conviction, in any jurisdiction, within ten days of the conviction;

(3) Confidentiality: The licensee shall respect the confidentiality of client information and safeguard all records by:

(a) Protecting the confidentiality of the client's identity and information in all conversations, advertisements, and any and all other matters unless disclosure of identifiable information is requested by the client in writing, is medically necessary, or is required by law;

(b) Protecting the interests of clients who are minors or clients who are unable to give voluntary and informed consent by obtaining prior written permission from a legal guardian;

(c) Following all state and federal guidelines regarding the collection and disposal of client information.

(4) Business Practices: The licensee shall practice with honesty, integrity, and lawfulness in the business of massage and bodywork by:

(a) Providing a physical setting that meets all applicable legal requirements for health and safety;

(b) Maintaining adequate and customary liability insurance in accordance with statutory requirements;

(c) Maintaining records for each client session;

(d) Accurately and truthfully informing the public of services the licensee is legally qualified to perform;

(e) Honestly representing all professional qualifications and affiliations;

(f) Avoiding conflicts of interest;

(g) Advertising in a manner that is not misleading to the public or alluding to sexual activity in the operation or on the premises of a massage therapy business;

(h) Notifying 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.

(5) Roles and Boundaries: The licensee shall adhere to ethical boundaries and perform the professional roles designed to protect both the client and the licensee, and safeguard the therapeutic value of the relationship by:

- (a) Respecting the client's right to refuse the therapeutic session or any part of the therapeutic session;
- (b) Refraining from practicing under the influence of alcohol, drugs, or any illegal substances (with the exception of a prescribed dosage of prescription medication which does not impair the licensee);

(6) Prevention of Sexual Misconduct and Inappropriate Touch: The licensee shall refrain from any behavior that sexualizes, or appears to sexualize, the client/therapist relationship. The Licensee recognizes the intimacy of the therapeutic relationship may activate practitioner and/or client needs and/or desires that weaken boundaries which may lead to sexualizing the therapeutic relationship. As a result, the Licensee shall:

- (a) Refrain from participating in a sexual relationship or sexual conduct with the client, whether consensual or otherwise, from the beginning of the client/therapist relationship and for a minimum of six (6) months after the termination of the client/therapist relationship, unless an ongoing current sexual relationship existed prior to the date the therapeutic relationship began. In the case of a pre-existing ongoing sexual relationship, providing therapeutic massage and bodywork on such a person is discouraged, but may be done with informed consent which acknowledges the power differential in a therapeutic relationship and the complexities of dual relationships;
- (b) In the event the client initiates sexual behavior, interrupt therapy to clarify the purpose of the therapeutic session. Provided that the client's initial sexual behavior ceases, the Licensee may, at his or her discretion, take action to terminate or continue the session. The Licensee shall terminate the session if the sexual conduct continues;
- (c) With the exception of a pre-existing ongoing sexual relationship, as set forth in (a), recognize that sexual activity with clients, students, employees, supervisees, mentees, trainees, or anyone else with whom a power differential exists, is prohibited even if consensual;
- (d) Not touch the genitalia;
- (e) Only provide therapeutic breast, gluteal and inner thigh massages:
 - 1. As indicated in the plan of care;
 - 2. After receiving informed voluntary written consent; and,
 - 3. Only if the licensee is permitted to do so under state law.

Authority: O.C.G.A. §§ 43-1-2(k), 43-1-19(a)(10), 43-1-25, 43-1-27, 43-24A-7(a)(1), and 43-24A-7(b)(6), (9), 43-24A-8(b)(8), 43-24A-14(c), 43-24A-15(a)(15), and 43-24A-15(b)(2).

Rule 345-5-.02. Unprofessional Conduct.

- (1) Unprofessional conduct shall include, but not be limited to, the following:
- (a) Failing to comply with requirements for professional continuing education;
 - (b) Performing any act which knowingly aids, assists, procures, advises or encourages an unlicensed person to practice massage therapy.
 - (c) Failing to display the license certificate or a photocopy thereof in an appropriate and public manner at each location at which he or she practices;
 - (d) Violation of, or noncompliance with, any of the following:
 - 1. Recognized Professional Standards of Practice in Board Rule 345-5-.01;
 - 2. A statute, law, or any rule or regulation of this state, any other state, the professional licensing board regulating the business or profession licensed under this title, the United States, or any other lawful authority without regard to whether the violation is criminally punishable when such statute, law, or rule or regulation relates to or in part regulates the practice of a massage therapy;
 - 3. Any Order of the Board previously entered by the board in a disciplinary hearing, consent decree, or license reinstatement.
 - (e) Failing to accurately reflect in the client's record the assessment, care, treatment, and other services offered or provided, to include but not limited to client referrals to other licensed healthcare providers, unless disclosure or release of such confidential information is requested by the client in writing or is required by law.
 - (f) 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.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-7(a)(1), 43-24A-7(b)(9), 43-24A-14(a), 43-24A-15(d)(2), 43-24A-21, 43-24A-17, and 43-1-19(a)(2), (7), and (8).

Rule 345-5-.03. 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) The Board may pursue discipline against any licensee (individual or education program) 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.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-3(8),(9), 43-24A-7(a)(1), 43-24A-7(b)(8),(9), 43-24A-17(a), and 43-24A-19(a)(2).

Rule 345-5-.04. Unlicensed Practice.

- (1) A licensee or applicant for licensure who is found to have engaged in or added and abetted unlicensed practice may be denied licensure or disciplined by the Board pursuant to O.C.G.A. 43-1-19(a)(7).
- (2) Licensees found to have violated this rule are subject to public discipline by the Board, which may include imposition of a fine of up to \$500 per occurrence.

Authority: O.C.G.A. §§ 43-1-19(a)(7), 43-1-19(d)(7), 43-1-25, 43-24A-7(a)(1), and 43-24A-17(a).

**SYNOPSIS OF PROPOSED AMENDMENT TO
DEPARTMENT 345. RULES OF GEORGIA BOARD OF MASSAGE THERAPY
RULES CHAPTER 345,
CHAPTER 345-6 STANDARDS FOR MASSAGE THERAPY
EDUCATIONAL PROGRAMS**

Purpose: The purpose of Rules Chapter 345-6. Standards for Massage Therapy Educational Programs is to ensure the language mirrors the requirements in the statute and to carry out its policy objectives. The amendments strengthen instructor requirements for those employed at Board approved massage therapy educational programs. The recommendations increase the amount of required experience from two (2) to four (4) years. The Board determined that the profession would greatly benefit from increasing the experience requirement necessary to be an educator in a curriculum for a massage therapy education program. The amendment will also provide the opportunity for lead instructors to gain more experience in their field which will ultimately provide a better, more experienced educator who will produce quality graduates.

The Board determined that it was important to ensure that all educators follow the laws and rules of their profession, to include the maintenance of an active and unencumbered license and have the recommended number of years of experience in teaching in their field. The Board stated that this will alleviate the need for technical schools to submit a rule waiver for the NPEC requirement. The amendment will expand access to all services which allows for technical schools to offer Board approved programs. For these programs to comply with the requirements, records are required by the program administrator. The Board has considered multiple variations and finds this amendment the least restrictive. The independent support for the Board's opinion about these changes would include the individual technical schools who have submitted many queries to the Board regarding this restriction.

The amendments will affect all massage therapy educational programs and uphold national standards as to what information other healthcare educational programs are required to collect and maintain on their students. The schools and the students will be affected positively in that there will be less restrictions to navigate the NPEC requirement and will provide students with more options for programs with which to enroll. The Board determined there is a positive economic impact for the massage therapy educational programs and potential students as it eliminates some of the barriers to gaining Board recognition, enables prospective students to obtain licensure more readily which is a positive economic impact for students. The amendments also serve to ensure that the programs employ competent faculty and practitioners and assist in the prohibition of teaching of unsafe practices. They further protect the students' educational environment by requiring that there be qualified faculty present who are responsible for the education the massage therapy students receive at all times.

The Board recognizes that whereas there is a potential narrowing of the path of individuals who desire to teach; the impact is negligible in that there will be improvements in job placement which will in turn improve the reputation of the educational program and thus lend to an increase in the number of admissions to the programs. The potential negative impact relates to the recruitment of faculty for the massage therapy education programs. The cost of

employing more experienced instructors has the potential to be transferred to the students in the form of higher tuition. However, the board sees this negative economic impact as negligible as students pay to attend institutions of higher learning to receive the best quality education in the hope that such education will ensure that he or she will be able to enter the profession, practice safely and reap the personal and financial benefits of the labor and cost it took to obtain the profession. Attendance at a program which lacks proper accreditation, recognition and faculty means that it is less likely that the student will reap those benefits. The Board's conclusion is that the formulation and adoption of this rule does not impose excessive regulatory costs on any licensee or business and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

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Rule 345-6-.01. Board Recognition Status Requirements.

- (1) A massage therapy educational program which is located within the state of Georgia is eligible to become recognized if the program submits a complete application and fee to the Board and the following requirements are met:**
- (a) The program complies with the requirements of this rule and the standards for curriculum and faculty set forth in Board Rules Chapter 345-6;**
 - (b) The program holds and maintains a current and unencumbered NCBTMB School Provider Code, is approved by a state massage therapy board, or is approved by another accrediting agency with equivalent standards; and,**
 - (c) The program must possess a current, unencumbered Nonpublic Postsecondary Education Commission (NPEC) Authorization number; or,**

1. A postsecondary institution of the Technical College System of Georgia that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or its equivalent; or,
 2. A postsecondary institution that is accredited by an accrediting agency recognized by the United States Department of Education and that is authorized or approved by a professional licensing board, department, or agency in another state, jurisdiction, or territory whose standards have been determined by the board to be equivalent to the Nonpublic Postsecondary Education Commission.
- (d) The program requires each student to achieve a minimum grade of 70% and a minimum attendance of 70% per course throughout the program in order to receive credit for the attainable clock hours awarded to any massage therapy related course and clinical work and provides the student with a copy of this requirement;
- (e) The program maintains a current, written program catalog to include but not limited to information relevant to the philosophy and objectives of the program, and course outlines or syllabi for all massage therapy courses;
- (f) The program maintains a student handbook and provides a copy to each student;
- (g) The program maintains a permanent student record that summarize the credentials for admission to include the following:
1. Age at the time of admission to the program;
 2. A copy of the high school diploma in English or its recognized equivalent;
 3. Document that they have confirmed proof of citizenship status or a permanent residency in the United States;
 4. Attendance;
 5. Grades and other records of performance;
 6. Identity of the instructor for each course in which the student was enrolled;
 7. Any transfer hours the student received credit for which were attained from another program or school;
- (h) On or before January 31st of each year, the program must submit a list of massage therapy educational program graduates for the previous calendar year. The list must include the following information for each graduate:
1. Full name;
 2. Date of birth;
 3. Enrollment and graduation date; and,
 4. Last four digits of their social security number.
- (2) Massage Therapy educational programs located outside the state of Georgia may be recognized by the Board at its sole discretion if:
- (a) The program meets the requirements as codified in O.C.G.A. 43-24A-3(4); and,
 - (b) The program holds and maintains a current and unencumbered NCBTMB School Provider Code, is approved by a state massage therapy board, or is approved by another accrediting agency with equivalent standards; and,
 - (c) The program substantially equals or exceeds the Georgia requirements for Board recognized massage therapy educational programs set forth in rules Board Rules Chapter 345-6.
- (3) The recognition of massage therapy educational programs located outside of the United States is at the discretion of the Board. In evaluating the program, the program will be

required to submit an application along with additional information to include but not limited to:

- (a) Transcripts that have been translated by a reputable and verifiable credential evaluation service approved by the Board; and,
- (b) Proof that the massage therapy educational program substantially equals or exceeds the Georgia requirements for Board recognized massage therapy educational programs as established in Board Rules Chapter 345-6.

Authority: O.C.G.A. §§ 43-1-25, 43- 24A-7(a)(1), 43-24A-7(b)(7, 9), and 43-24A-3(4).

Rule 345-6-.02. Curriculum Requirements.

In order for applicants to be eligible for licensure he or she must have completed (graduated) from a board recognized massage therapy educational program. In order for the massage therapy educational program of a school to be recognized by the Board, the program must have a minimum curriculum of five hundred (500) total supervised clock hours of classroom and hands-on instruction at the board recognized massage therapy educational program location approved by the Board. Community events must also be supervised by the faculty or staff identified in the program application as approved by the Board.

- (a) For purposes of this rule, "supervised" means the supervisor is physically on-site, qualified, and immediately available.
- (b) The minimum required subject matter and activities and the minimum required hours are as follows:
 - 1. A minimum of one hundred twenty-five (125) hours of human anatomy, physiology and kinesiology;
 - 2. A minimum of forty (40) hours of pathology;
 - 3. A minimum of two-hundred hours (200) in massage therapy theory, technique and practice, which must include instruction in 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;
 - 4. A minimum of one hundred twenty-five (125) hours of 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;
 - 5. A minimum of ten (10) hours of instruction in ethics and business (to include a minimum of six (6) hours in ethics); and,
 - 6. 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.

7. If an applicant transfers from a board recognized massage therapy education program into another board recognized massage therapy education program 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 total 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 educational program, the hours may not be used to satisfy the curriculum requirements of this rule.

- (c) The transcript provided to the Board must be 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.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-3(4), 43-24A-7(a)(1), and 43-24A-7(b)(7), (9).

Rule 345-6-.03. Faculty Requirements.

- (1) In order to be a board recognized massage therapy educational program, the program director or coordinator must have a valid massage therapy license in the state of Georgia and the program must have a student to faculty ratio in the lab/clinical/community area that shall not exceed twenty (20) students to one (1) instructor, with no more than ten (10) student therapists and ten (10) students serving as clients. Lecture classes are not subject to this ratio.
- (2) All licensed faculty must maintain compliance with all statutes and rules governing their practice to include but not limited to all renewal requirements.
- (3) As of July 1, 2024 any all lead faculty for lab, clinical and community courses shall hold a current Georgia massage therapy license and must demonstrate competence in their respective areas of teaching as evidenced by a minimum of a Bachelor's degree or 4 years of experience in the course(s) they will be teaching. All lead faculty that was in place prior to July 1, 2024, are exempt from this requirement.
- (4) Lead faculty for human sciences courses (anatomy, pathology, physiology) are 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 a Bachelor's degree or 4 years of experience in the course(s) they are teaching. All lead faculty that was in place prior to July 1, 2026, are exempt from this requirement.
- (5) 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 educational program.
- (6) The Board shall be notified in writing of any program faculty changes within ten (10) days of the date the change becomes effective.
- (7) In order to be a board recognized massage therapy educational program that utilizes faculty assistants, the program shall establish and maintain policies that outline the

qualifications, duties and procedures for use of faculty assistants including, but not limited to, the following requirements:

- (a) Faculty assistants for lab, clinical and community courses must have an active Georgia massage therapy license;
 - (b) Faculty assistants shall work under the direct supervision of approved faculty;
 - (c) Faculty assistants shall not be used as substitutes or replacements for regular faculty; and,
 - (d) Faculty assistants shall not be responsible for the overall evaluation of any student.
- (8) Faculty assistants are not required to have a minimum of a Bachelor's degree or 4 years of experience.
- (9) When student clinical practice is being performed on the general public, the supervising clinical faculty instructor(s) shall hold a current Georgia massage license.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-3(4), 43-24A-7(a)(1), and 43-24A-7(b)(7, 9).

Rule 345-6-.04. Reconstitution or Discontinuation of a Massage Therapy Educational Program.

- (1) When a board recognized massage therapy educational program that is located within the state of Georgia is:
- (a) Sold to a new owner and no other changes have occurred, within ten (10) days the current owner must:
 - 1. Inform the Board of new ownership; and,
 - 2. Provide the Board with proof that the current owner notified the new owner of the requirement to submit a copy of their unencumbered, NCBTMB School Provider Code and NPEC Authorization Number or proof that the program is approved by another accrediting agency with equivalent standards.
 - (b) Moving or expanding to another location, the program must submit, in writing, the physical and mailing addresses associated with the new location(s). Such notification must occur at least thirty (30) days before the move or expansion takes place.
 - (c) Only changing the title of the program or the name of the school, the program must submit the name change in writing to the Board within ten (10) days.
 - (d) Changing faculty and faculty assignments, the program director or coordinator must submit and complete the Faculty Amendment Form within ten business days of the change in faculty; and,
 - 1. The program must ensure that all licensed faculty must maintain compliance with all statutes and rules governing their practice to include but not limited to all renewal requirements; and,
 - 2. If the program is notified that any licensed faculty is out of compliance with the Board laws and rules, the faculty member may not teach until such time that he or she has provided proof of having satisfied all requirements of their respective licensing board.
 - (e) Amending the program curriculum, a new application must be submitted prior to the implementation of the changes to include a new, unencumbered NCBTMB School

- Provider Code and NPEC Authorization Number or any similar documents from an equivalent entity as identified in paragraph in O.C.G.A. § 43-24A-3(4).
- (f) Under investigation by any entity, the program must notify the Board in writing within 10 business days of the date the program became aware. Such notification shall include a copy of the notice the program received informing them of the pending investigation.
- (2) When a board recognized massage therapy educational program that is located within the state of Georgia is discontinued or closes, the program shall:
- (a) Notify the Board in writing of the intent to discontinue or close the massage therapy educational program to include:
1. A timetable;
 2. A plan for students to complete the course of study or transfer to another board recognized massage therapy educational program.
- (b) Be responsible for providing for the permanent retention and security of student and graduate records and ensuring the permanent safekeeping and availability of records of the massage therapy educational program.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-3(4), 43-24A-7(a)(1), and 43-24A-7(b)(7, 9, 10).

Rule 345-6-.05. Renewal, Withdrawal and Reinstatement of Recognition Status.

- (1) To maintain recognition status, a board recognized massage therapy educational program shall:
- (a) Submit a complete Renewal Application and fee a minimum of 60 days prior to March 31st of even or odd years, according to the expiration date the program is provided in the program approval notice issued by the Board; and,
- (b) Provide documentation of a passing percentage of at least a seventy (70) percent annual pass rate on the MBLEx or an equivalent test approved by the board, or an examination administered by another state, territory, or jurisdiction whose license requirements meet or exceed those of this state. Pass rates will be calculated by the total number of exams passed divided into the total number of first-time test takers.
- (2) If a Board recognized program does not meet or fails to comply with the requirements of the Georgia Massage Therapy Practice Act and Board Rules Chapter 345-6, the Board may:
- (a) Provide notice to the program of incidences of noncompliance and require that each be corrected within a time period specified by the Board; and,
- (b) Take disciplinary action as codified in O.C.G.A. § 43-24A-17; or,
- (3) Before the Board will consider restoring a massage therapy education program to a Board recognized status, the program must submit a new application; and,
- (a) Document compliance with all relevant statutes and rules; and,
- (b) Provide evidence that the students were informed of board recognized massage therapy educational program to which they may transfer.

Authority: O.C.G.A. § § 43-1-7, 43-1-19(g)(l), 43-1-25, 43-24A-3(4), 24A-7(a)(1), 43-24A-7(b)(7, 9, 10) and 43-24A-17.

**SYNOPSIS OF PROPOSED AMENDMENT TO
DEPARTMENT 345. RULES OF GEORGIA BOARD OF MASSAGE THERAPY
RULES CHAPTER 345,
CHAPTER 345-7 DISCIPLINE**

Purpose: The purpose of Rules Chapter 345-7. Discipline is to remove information asymmetries for consumers expressed in statute, as well as to carry out policy objectives that are stated therein. The amendments provide clarification about the display of licenses for individuals who have a mobile massage therapy practice. It also aligns the rule with what is expected of other healthcare practitioners referenced in the Georgia Consumer Information and Awareness Act to ensure that consumers can clearly view the credentials of their practitioner. The amendments also help to prevent deceptive advertising practices and the use of illicit images in advertising. The statutes provided for independent support for the rule amendment. The Board stated there is negligible economic impact upon licensees unless they are found in violation. The Board determined that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative. The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Massage Therapy.

**RULES
OF
GEORGIA BOARD OF MASSAGE THERAPY
CHAPTER 345-7
DISCIPLINE**

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Rule 345-7-.02. Display of License.

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Rule 345-7-.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 or renew a license to a person, revoke the license of a person licensed by the Board, or discipline or sanction any person or entity found by the Board to have committed a violation of the referenced chapters.
- (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.
 - (g) Assess costs against the violator for expenses relating to the investigation and administrative action.
- (3) The Board may consider each violation as a separate violation and impose a fine of not more than \$500 for each offense.
- (4) Mitigating circumstances may be taken into account in varying the sanctions subject to the Board's discretion.

Authority: O.C.G.A. §§ 43-1-19(a), (d), 43-1-20.1, 43-1-25, 43-24A-7(a)(1), 43-24A-17(a)(3) and 43-24A-7.

Rule 345-7-.02. Display of License.

- (1) All licensees shall display their license certificate or a photocopy thereof in an appropriate and public manner at each location at which he or she practices.
- (2) In a mobile practice, licensees shall display their license certificate or a photocopy thereof in an appropriate and public manner. Such display may be achieved by displaying the license on their person or on the premises where the massage therapy services are performed.

Authority: O.C.G.A. §§ 43-1-25, 43-24A-7(a)(1), and 43-24A-14(a).

Rule 345-7-.03. Advertising.

- (1) It shall be considered a violation of the massage therapy practice act for a licensee to:
- (a) Advertise massage therapy services in conjunction with escort or dating services, adult entertainment, or illegal acts relating to sex related crimes
 - (b) Advertise false, misleading, or deceptive practices or images as it relates to massage therapy.
- (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 directly or indirectly, indicating to the general public that massage therapy is provided or available.
- (3) Actively licensed massage therapist shall include their Georgia massage therapy license number on all forms of advertisement.
- (4) Establishments providing massage therapy services by more than one licensed massage therapist shall include on all forms of advertisement the following statement: "Georgia Licensed Massage Therapists."

Authority: O.C.G.A. §§ 43-1-25, 43-24A-7(a)(1), 43-24A-7(a)(6), and 43-24A-15(d)(1).