

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT
TO THE GEORGIA BOARD OF MASSAGE THERAPY
CHAPTER 345-3-.01, APPLICATION FOR LICENSURE PRIOR TO JULY 1, 2007 AND
NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND 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 rule Chapter 345-3-.01 Application For Licensure Prior to July 1, 2007 to be struck in its entirety and replaced with a new rule, 345- 3-.01, Provisional Permits (hereinafter "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being disseminated to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may 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. These documents will also be available for review on the Board website at www.sos.state.ga.us/plb/massage or by contacting the Board office at 478-207-2440.

A public hearing is scheduled to begin at **9:15 a.m. on Friday, February 1, 2013**, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At 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. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcomed. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 p.m. EDT) on Friday, January 25, 2013. Written comments should be addressed to Lisa w. Durden, Division Director, Professional Licensing Boards Division, Georgia Board of Massage Therapy, and 237 Coliseum Drive, Macon, Georgia 31217; Fax (866) 888-7127.

The Board will consider the proposed rule amendment for adoption at its meeting scheduled to begin at 9:15 a.m., Friday, February 1, 2013 at the Georgia Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Board has the authority to adopt proposed rule amendment 345-3-.01 pursuant to authority contained in O.C.G.A. §§ 43-1-3, 43-1-7, 43-1-19, 43-1-19.2, 43-1-24, 43-1-25, 43-1-27, 43-24A-7, 43-24A-8, 43-24A-9, 43-24A-15 and 43-24A-17.

At its meeting November 16, 2012, the Board voted 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 that fully accomplishes the objectives of O.C.G.A. §§ 43-1-3, 43-1-7, 43-1-19, 43-1-19.2, 43-1-24, 43-1-25, 43-1-27, 43-24A-7, 43-24A-8, 43-24A-9, 43-24A-15 and 43-24A-17.

Additionally, at its meeting November 16, 2012, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-3, 43-1-7, 43-1-19, 43-1-19.2, 43-1-24, 43-1-25, 43-1-27, 43-24A-7, 43-24A-8, 43-24A-9, 43-24A-15 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.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This 26th day of December, 2012

Lisa W. Durden
Director
Professional Licensing Boards

Posted: December 12, 2012

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE FOR CHAPTER 345-3-.01, APPLICATION FOR LICENSURE PRIOR TO JULY 1, 2007

Purpose: The purpose of this rule amendment is strike completely the currently posted rule which is now outdated due to statutory changes in OCGA 43-24A and replace with a new rule maintaining the same rule numerical sequence but regarding the issuance of a Provisional Permit enacted by the revision to OCGA 43-24A in May of 2012.

Main Features: The rule amendment sets forth the requirements for the issuance of a provisional permit to practice massage therapy under supervision for a limited time in the state of Georgia.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE FOR CHAPTER 345-3-.01, APPLICATION FOR LICENSURE PRIOR TO JULY 1, 2007

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted]

345-3-.01 ~~Application for Licensure Prior to July 1, 2007.~~ Provisional Permits

~~(1) The applicant for licensure as a massage therapist shall submit an application on a form approved by the Board. In addition to the information called for on the form, the applicant must also submit the following:~~

~~(a) Three (3) References: Two (2) professional references from practicing massage therapists or instructors from a massage therapy program and one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the professional references must have known the applicant for only a minimum of six (6) months.~~

~~(b) Photograph of the applicant. Only a passport type (3 X 3) photo taken within the past twelve months will be accepted;~~

~~(c) Authorization to perform a criminal background check;~~

~~(d) The proper fee — see fee schedule;~~

~~(e) Verification of having met one of the following requirements:~~

~~1. Official transcript showing successful completion of a minimum of 500 hours of course and clinical work in massage therapy from a Board recognized educational program; or~~

~~2. Official verification from the NCBTMB showing applicant has passed the National Certification Exam for Therapeutic Massage (NCETM) or the National Certification Exam for Therapeutic Massage & Bodywork (NCETMB); or~~

~~3. Official verification from another state or jurisdiction that applicant has passed a massage therapy licensing examination (such state or jurisdiction must have license requirements that meet or exceed the licensing requirements for a massage therapist in~~

the state of Georgia); or

4. Official authorization from the NCBTMB to sit for the NCETM/NCETMB; or

5. Official transcript showing graduation from an established state licensed school for massage therapy indicating a minimum of 500 hours of in-class supervised instruction as follows:

a. Enrolled in school prior to June 1, 2005: 100 in-class clock hours of

anatomy/physiology, 200 in-class clock hours in massage therapy and application and 2 in-class hours in ethics; or

b. Enrolled in school on or after June 1, 2005: 125 hours of in-class, supervised instruction in the body's systems and anatomy, physiology and kinesiology; 200 hours of in-class, supervised instruction in massage and bodywork assessment, theory and application; 40 hours of in-class, supervised instruction in pathology; 10 hours of in-class instruction in business and ethics (a minimum of 6 hours of ethics) and 125 hours of additional in-class, supervised instruction in an area or related field that theoretically completes your massage program of study; or

6. Official verification from another state or jurisdiction that the applicant holds an active license to practice massage therapy in such other state or jurisdiction (such other state or jurisdiction must have license requirements that meet or exceed the licensing requirements for a massage therapist in the state of Georgia); or

7. Official verification from a professional massage therapy association that indicates the years of membership, as a massage therapist, by the applicant (applicant must show a minimum of one year of membership prior to the date of application) and the date the professional association was established (such association must be established no later than December 31, 2001), and, includes a copy of the professional association's code of ethics; or

8. Official copy from a local government in the state of Georgia of a business license (prior to July 1, 2005) for the practice of massage therapy (if the applicant is an employee of the business, the applicant must also submit official verification from the employer of employment status), and, a copy of Georgia state income tax return, W2 form(s) or form(s) 1099 for a tax year prior to July 1, 2005 showing income as a massage therapist; or

9. Official transcript showing from an established state licensed school for massage therapy indicating a minimum of 100 hours of in-class supervised instruction to include massage therapy theory, technique and practice, *and* original appointment book(s) or invoices for massage therapy appointments for ten (10) years preceding the date of application (must indicate hours of service on a weekly basis), *and* copies of income tax returns, W2 form(s), or form(s) 1099 for the ten (10) year period preceding the date of application showing income as a massage therapist; or

10. Official transcript showing from an established state licensed school for massage therapy indicating a minimum of 200 hours of in-class supervised instruction to include massage therapy theory, technique and practice, *and* original appointment book(s) or invoices for massage therapy appointments for five (5) years preceding the date of application, *and* copies of income tax returns, W2 form(s), or form(s) 1099 for the five (5) year period preceding the date of application showing income as a massage therapist.

11. The Board may deny a license for any of the reasons set forth in O.C.G.A. § 43-1-19.

12. The Board may request additional verification of any requirements or credentials, as

~~it may deem necessary.~~

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

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

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

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

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

4. Applicants for a provisional permit in Georgia shall not ever have been convicted of a felony in the courts of the licensing state, any other state, territory, or country, or in the courts of the United States, including, but not limited to, a plea of nolo contendere entered to such charge or the affording of first offender treatment to any such charge.

(b) The applicant has satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. The applicant shall be responsible for all fees associated with the performance of such background check

(c) Is **NOT** a resident of the state of Georgia; a Driver’s License in itself is not substantial proof of out of state residency. A minimum of 3 documents must be submitted to verify non residency in Georgia. Some suggested examples (not all inclusive) are, but are not limited to:

1. A current utility bill in the applicant for licensures name; service address must match physical address on application (utility bills must be a current bill; dated within thirty (30) days of the date of application);

2. A notarized copy of a current lease agreement that includes the physical address of the applicant, the dates of the lease period, current contact information of landlord, three months of consecutive, current receipts for payment of the rent to the named landlord (one must be dated within 30 days of the date of application);

(2) All provisional permit holders shall work under the direct supervision of a licensed Georgia Massage Therapist. The supervisor must be approved by the Board, or the Board's designated representative (via the application process – Proposed Supervisor Information Form) prior to issuance of a provisional permit. The proposed supervisor must hold a current, unencumbered license to practice in the state of Georgia issued by the Board, and, must have held such license for a minimum of three (3) consecutive years, with no disciplinary actions having ever been taken by the Board against the proposed supervising licensee; In addition,

(a) The supervising Georgia licensee shall notify the Board (on forms provided by the Board) when supervision is complete, if the provisional permit has expired, or if applicant is no longer employed or supervised;

(b) 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.

(7) All applications for provisional permits must be presented to and approved by the Board.

Authority: O.C.G.A. §§ 43-1-3, 43-1-7, 43-1-19, 43-1-19.2, 43-1-24, 43-1-25, 43-1-27, 43-24A-7, 43-24A-8, 43-24A-9, 43-24A-15and 43-24A-17.