

**NOTICE OF INTENT TO ADOPT A PROPOSED
AMENDMENT TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES:
CHAPTER 345-4, RULES 345-4-.01 LICENSE RENEWAL, 345-4-.04 INACTIVE
STATUS AND 345-4-.05 REINSTATEMENT OF A LICENSE, AND, NOTICE OF
PUBLIC HEARING**

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 the Board Rules, Chapter 345-4-.01(2) License Renewal, 345-4-.04 Inactive Status and 345-4-.05 Reinstatement (herein after "proposed rule amendments").

This notice, together with an exact copy of the proposed rule amendments and a synopsis of the proposed rule amendments, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments 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. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:15 am on June 26, 2009 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in 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 official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. 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.) on June 19, 2009. Written comments should be addressed to Randall D. Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Massage Therapy, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (866) 888-7127.

The Board will consider the proposed rule amendment for adoption at a meeting scheduled to begin at 9:25 am on June 26, 2009 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia Board of Massage Therapy has the authority to adopt a proposed amendment to Chapter 345-4 pursuant to authority contained in O.C.G.A. §§ 43-1-7, 43-1-19, 43-1-22, 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-17, and 43-24A-20.

At its meeting on April 3, 2009 the Georgia Board of Massage Therapy voted that the formulation and adoption of this rule amendment does not impose 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.G.C.A. §§ 43-1-7, 43-1-19, 43-1-22, 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-17, and 43-24A-20

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.G.C.A. §§ 43-1-7, 43-1-19, 43-1-22, 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-17, and 43-24A-20 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 this proposed rule amendment will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of massage therapy.

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

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

This 26th day of May, 2009.

Randall D. Vaughn
Division Director
Professional Licensing Boards Division

Posted: May 26, 2009

**SYNOPSIS OF PROPOSED AMENDMENT TO THE GEORGIA BOARD OF
MESSAGE THERAPY RULES, CHAPTER 345-4, RULES 345-4-.01 LICENSE
RENEWAL, 345-4-.04 INACTIVE STATUS AND 345-4-.05 REINSTATEMENT OF A
LICENSE**

PURPOSE: The purpose of the proposed amendment is to (1) change the late renewal period, (2) to clarify Inactive Status and set guidelines, and to (3) clarify requirements for reinstatement and remove unnecessary previous requirements.

MAIN FEATURES: The main features of the proposed amendments are: (1) provide a one-month late renewal period versus the previously allowed three months, (2) to clarify and update the requirements and guidelines for Inactive Status requests and (3) to clarify rule language and remove unnecessary requirements.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO THE
GEORGIA BOARD OF MESSAGE THERAPY RULES, CHAPTER 345-4,
RULES 345-4-.01 LICENSE RENEWAL, 345-4-.04 INACTIVE STATUS AND
345-4-.05 REINSTATEMENT OF A LICENSE**

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

345-4-.01 License Renewal. Amended.

- (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 ~~ninety (90)~~ 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.

Authority: O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-1-31, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14, and 43-24A-20.

345-4-.04 Inactive Status. Amended.

(1) Licensees may request ~~in writing~~ 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 sanction may not transfer to inactive status while the sanctions are in effect.

(4) Licensees shall request in writing to the Board for the reinstatement of their massage therapy license. Reinstatement of an inactive status license is within the discretion of the Board. The following requirements must be met:

~~(a) submission of an application provided by the Board including any applicable fee(s);~~

~~(b) submission of evidence of twenty four (24) hours of Board approved continuing education within one (1) year of the date of the reinstatement application.~~

(a) An applicant for reinstatement of an inactive status license must submit a completed application provided by the board, payment of the required fee and evidence satisfactory to the Board that the applicant:

1. is at least 18 years of age; and

2. has a high school diploma, GED, or recognized equivalent; and

3. is a citizen of the United States or a permanent resident of the United States, and

(b) in addition, the following:

i. photograph of the applicant. Only a passport type (3"X 3") photo taken within the past twelve months will be accepted; and

ii. authorization to perform a criminal background check; and

iii. submission of evidence 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; and

iv. If applicable, verification of current massage therapist licensure, in good standing, from another jurisdiction, state, territory of the United States, or foreign country submitted directly to the Board from the issuing state regulatory and/or licensing board ; or

(e) If applicable,

1. official transcript from a Board recognized massage therapy education program; or

2. verification of passing one of the Board recognized examinations (i.e. the NCETMB, NCETM or FSBMT exams).

(g) The Board may impose any limits, sanctions, restrictions or other disciplinary actions as a condition of reinstatement it deems necessary.

(h) Additional verification of any requirements or credentials as the Board may deem necessary.

Authority: O.C.G.A. §§ 43-1-7, 43-1-19, 43-1-22, 43-1-24, 43-1-25, 43-24A-7, 43-24A-8, 43-24A-10, 43-24A-14, 43-24A-17, and 43-24A-20.

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

- (1) Reinstatement of an expired or lapsed license is within the discretion of the Board.
- (2) An applicant for reinstatement of a 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 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, and
- (3) in addition, the following:
- (a) photograph of the applicant. Only a passport type (3"X 3") photo taken within the past twelve months will be accepted; and
 - (b) authorization to perform a criminal background check; and
 - (c) submission of 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; and
 - ~~(d) three (3) references: Two (2) professional references from licensed healthcare professionals 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 licensed professional references or instructors must have known the applicant for only a minimum of six (6) months; and~~
 - ~~(e) one of the following:~~
 - ~~1- (d) If applicable, verification of current massage therapist licensure, in good standing, from another jurisdiction, state, territory of the United States, or foreign country submitted directly to the Board from the issuing state regulatory and/or licensing board ; or~~
 - ~~2- (e) If applicable, verification of active practice as a massage therapist by submitting documentation of active practice within the five (5) years immediately preceding the date of the reinstatement application on a form provided by or approved by the Board. official transcript from a Board-recognized massage therapy education program; or~~
 - ~~(f) If applicable, verification of passing one of the Board-recognized examinations (i.e. the NCETMB, NCETM or MBLEx exams).~~
 - ~~(g)~~ (g) The Board may impose any limits, sanctions, restrictions or other disciplinary actions as a condition of reinstatement it deems necessary.
 - ~~(g)~~ (h) Additional verification of any requirements or credentials as the Board may deem necessary.

Authority O.C.G.A. §§ 43-1-7, 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, and 43-24A-20.