

Georgia Occupational Regulation
Review Council

House Bill 305, LC 33 8530
Definition and Practice of
Massage Therapy Act

A Review of the Proposed Legislation

JUNE 2021

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Executive Summary

As provided in O.C.G.A. §43-1A, the Georgia Occupational Regulation Review Council (Council) reviews all bills proposing licensure of a profession or business referred to by the chairperson of the legislative committee of reference. Accordingly, the Council, at the request of the chairperson of the House Regulated Industries Committee, has reviewed House Bill 305, which revises the definition and certain requirements of massage therapy in Georgia.

During the course of this review, Council staff obtained information from the applicant group, the Georgia Chapter of the American Massage Therapy Association (AMTA-GA) and the Office of the Secretary of State while also conducting internal research.

O.C.G.A. §43-1A-6 requires the Council to consider certain criteria when determining the need for the regulation of a business or profession. For this review, the Council used these criteria to guide the development of findings related to the revised abilities of the Georgia Board of Massage Therapy. The Council, with assistance from staff, developed the following finding during the course of this review:

- ❖ **The profession of Massage Therapy requires specialized training and continued education.** The legislation would assure that the Georgia Board of Massage Therapy has access to a national credentialing entity to assist in certifying educational programs needed to obtain or renew licensure. The scope of practice of the licensed profession will not change under this legislation.

Based on these findings, the Council recommends that House Bill 305 pass as written.

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Introduction

House Bill (HB) 305 revises the authority of the Georgia Board of Massage Therapy to allow it to use the services of a national certification organization to certify educational programs, course instructors and continuing education programs. The scope of practice of the licensed profession will not change under this legislation. This report focuses on providing information concerning the nature of the legislation and presents an assessment of the need for such in the state of Georgia.

In conducting this review, the Georgia Occupational Regulation Review Council, referred to as Council for the remainder of this report, solicited input from any interested party that wished to submit information or participate in the process. The applicant group, Georgia Chapter of the American Massage Therapy Association (AMTA-GA) submitted a questionnaire providing background information for occupational therapists and the Occupational Therapy Licensure Compact.

Council staff also performed additional analysis comparing educational standards and powers of the regulating entities in other states to the proposals in HB 305.

The Council provided representatives from interested parties with the opportunity to present information during Council meetings, either by verbal presentation and/or through written material. The Council posted meeting dates, times, and locations to the Office of Planning and Budget website (<https://opb.georgia.gov/georgia-occupational-regulation-review-council>).

Description of Proposed Legislation

HB 305 amends Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to the practice of massage therapy. The bill provides the following:

- ❖ Revised definition for ‘Board recognized massage therapy educational program’ to include those that have been approved by a national massage therapy certifying organization or entity approved by the Board.
- ❖ Amends continuing education requirements to include those provided by an instructor approved by and in good standing with a national massage therapy certifying organization or entity approved by the Board.

A summary of the bill can be found in Appendix A. A complete copy of the bill is located in Appendix B.

Current Practices

Currently all massage therapists are licensed under O.C.G.A. § 43-24A-8 and are regulated by the state of Georgia. To qualify for a license, applicants are required to: have completed a board recognized massage therapy educational program consisting of a minimum of 500 hours of course and clinical work;

satisfactorily pass one of the following: the National Certification Exam for Therapeutic Massage and Bodywork, the Massage and Bodywork Licensing Exam administered by the Federation of State Massage Therapy Boards, 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 Georgia; demonstrated “good moral character;” and pass a background check.

The Issue and Potential for Harm

The potential harm to clients of massage therapists without this legislation is negligible. Responsibility would remain with the Board to maintain a list of Board approved education and continuing education requirements necessary for licensure.

Fiscal Impact

A Fiscal Note was not requested on HB 303, LC 33 8530. There will be no fiscal impact from this bill as it pertains directly to the authorities of the Board.

Findings

Pursuant to O.C.G.A. § 43-1A-6, the Georgia Occupational Regulation Review Council must review bills under their consideration according to the following criteria:

- ❖ Whether the unregulated practice of the occupation may harm or endanger the health, safety, and welfare of citizens of this state and whether the potential for harm is recognizable and not remote;
- ❖ Whether the practice of the occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability;
- ❖ Whether the citizens of this state are or may be effectively protected by other means;
- ❖ Whether the overall cost effectiveness and economic impact would be positive for citizens of this state; and
- ❖ Whether there are means other than state regulation to protect the interests of the state.

Based on this set of criteria, the Council has reviewed HB 305, LC 33 8530, which would allow the Georgia Board of Massage Therapy to use the services of a national massage therapy certifying organization to certify educational programs, course instructors and continuing education programs. In doing so, the Council developed the following findings:

The profession of Massage Therapy requires specialized training and continued education.

This legislation would assure that the Board has access to a national credentialing entity to assist in certifying educational programs needed to obtain or renew licensure. Massage therapists have been licensed since 2006, yet continued education and specialized training remains a necessary component to renew licensure. Allowing the Board access to a national credentialing entity will ensure education and training standards align with national standards and remain up to date with industry changes.

Recommendation

Based on the above findings, the Council recommends that House Bill 305 pass as written.

Appendix A: Summary of Proposed Legislation

Summary of HB 305

- This bill would amend Chapter 24A of Title 43 to revise the definition and practice of massage therapy in Georgia.
 - The definition of 'board recognized massage therapy educational program' is updated to require approval by a national massage therapy certifying organization or entity approved by the board. Standards for training and curriculum to qualify must meet those in place for one of the following:
 - The Nonpublic Postsecondary Education Commission (Code Section 20-3-250.4)
 - A postsecondary institution within the Technical College System of Georgia (TCSG) accredited by the Commission on Colleges of the Southern Association of Colleges and Schools
 - A United States Department of Education accredited postsecondary institution whose standards are equivalent to the Nonpublic Postsecondary Education Commission
 - Continuing education requirements or credits used for license renewal shall be approved by the board and provided by an instructor approved by and in good standing with a national massage therapy certifying organization or entity approved by the board.
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Appendix B: Complete Text of House Bill 305

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to the
2 practice of massage therapy, so as to revise a definition; to revise a provision relating to
3 continuing education requirements; to provide for related matters; to repeal conflicting laws;
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to the practice
8 of massage therapy, is amended by revising paragraph (4) of Code Section 43-24A-3,
9 relating to definitions, as follows:

10 "(4) 'Board recognized massage therapy educational program' means an educational
11 program located within or outside the State of Georgia that receives compensation for
12 training two or more persons in massage therapy or its modalities, that which has
13 submitted an application and fee, been approved by a national massage therapy certifying
14 organization or entity approved by the board, and which meets the standards for training
15 and curriculum as set out by the board in its rules, including, but not limited to, standards
16 for training and curriculum which that are consistent with:

17 (A) The Nonpublic Postsecondary Education Commission as provided in Code Section
18 20-3-250.4;

19 (B) A postsecondary institution of the Technical College System of Georgia that is
20 accredited by the Commission on Colleges of the Southern Association of Colleges and
21 Schools; or

22 (C) A postsecondary institution that is accredited by an accrediting agency recognized
23 by the United States Department of Education and that is authorized or approved by a
24 professional licensing board, department, or agency in another state, jurisdiction, or
25 territory whose standards have been determined by the board to be equivalent to the
26 Nonpublic Postsecondary Education Commission."

27 SECTION 2.

28 Said chapter is further amended by revising subsection (b) of Code Section 43-24A-20,
29 relating to continuing education requirements, as follows:

30 "(b) Continuing education requirements or credits used for license renewal shall be
31 approved by the board and provided by an instructor approved by and in good standing
32 with a national massage therapy certifying organization or entity approved by the board."

33 SECTION 3.

34 All laws and parts of laws in conflict with this Act are repealed.
