

The House Committee on Regulated Industries offers the following substitute to SB 143:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so as
2 to revise various provisions relating to the licensure of certain professions; to provide that
3 an applicant for a license by endorsement for massage therapy practice shall provide certain
4 information; to repeal certain obsolete provisions; to revise a definition in the "Georgia
5 Registered Professional Nurse Practice Act;" to provide for related matters; to provide for
6 an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Title 43 of the Official Code of Georgia Annotated, relating to professions, is amended by
10 revising Code Section 43-24A-8, relating to licensure of massage therapists, applications, and
11 requirements, as follows:

12 43-24A-8.

13 (a) No person may practice massage therapy in this state who is not a licensed massage
14 therapist or the holder of a valid provisional permit issued by the division director pursuant
15 to this chapter.

16 (b) ~~Prior to July 1, 2007, any applicant for a license as a massage therapist must submit a~~
17 ~~completed application upon a form and in such manner as the board prescribes,~~
18 ~~accompanied by applicable fees, and evidence satisfactory to the board that:~~

19 (1) ~~The applicant is at least 18 years of age;~~

20 (2) ~~The applicant is of good moral character. For purposes of this paragraph, 'good~~
21 ~~moral character' means professional integrity and a lack of any conviction for acts~~
22 ~~involving moral turpitude where the underlying conduct relates to the applicant's fitness~~
23 ~~to practice massage therapy;~~

24 (3) ~~The applicant agrees to provide the board with any and all information necessary to~~
25 ~~perform a criminal background check and expressly consents and authorizes the board~~
26 ~~or its representative to perform such a check; and~~

- 27 ~~(4) The applicant has met at least one of the following requirements:~~
- 28 ~~(A) He or she has completed successfully a board recognized educational program with~~
- 29 ~~a minimum of 500 hours of course and clinical work;~~
- 30 ~~(B) He or she has passed satisfactorily the National Certification Examination for~~
- 31 ~~Therapeutic Massage and Bodywork, an equivalent test approved by the board, or an~~
- 32 ~~examination administered by another state or jurisdiction whose license requirements~~
- 33 ~~meet or exceed those of this state;~~
- 34 ~~(C) He or she meets the qualifications necessary to sit for the National Certification~~
- 35 ~~Examination for Therapeutic Massage and Bodywork or has substantially similar~~
- 36 ~~qualifications as determined by the board;~~
- 37 ~~(D) He or she holds a license as a massage therapist in another state or jurisdiction~~
- 38 ~~whose license requirements meet or exceed the licensing requirements of this state;~~
- 39 ~~(E) He or she has practiced massage therapy for at least ten hours per week on average~~
- 40 ~~for at least ten years prior to the date of application and has completed at least 100~~
- 41 ~~hours of formal training in massage therapy as determined by the board;~~
- 42 ~~(F) He or she has practiced massage therapy for at least five years prior to the date of~~
- 43 ~~application and has completed a minimum of 200 hours of formal training in massage~~
- 44 ~~therapy as determined by the board;~~
- 45 ~~(G) He or she has, to the satisfaction of the board, training in another state or~~
- 46 ~~jurisdiction that meets or exceeds the requirements for licensing in this state;~~
- 47 ~~(H) He or she has been a member, as a massage therapist, for a period of one year prior~~
- 48 ~~to his or her application for licensure of a professional massage therapy association~~
- 49 ~~established before 2002 which holds its members to a published code of ethics; or~~
- 50 ~~(I) He or she has been legally practicing massage therapy in this state for compensation~~
- 51 ~~prior to July 1, 2005.~~
- 52 ~~(e) On and after July 1, 2007, any Any applicant for a license as a massage therapist must~~
- 53 ~~submit a completed application upon a form and in such manner as the board prescribes,~~
- 54 ~~accompanied by applicable fees, and evidence satisfactory to the board that:~~
- 55 ~~(1) The applicant is at least 18 years of age;~~
- 56 ~~(2) The applicant has a high school diploma or its recognized equivalent;~~
- 57 ~~(3) The applicant is a citizen of the United States or a permanent resident of the United~~
- 58 ~~States;~~
- 59 ~~(4) The applicant is of good moral character. For purposes of this paragraph, 'good~~
- 60 ~~moral character' means professional integrity and a lack of any conviction for acts~~
- 61 ~~involving moral turpitude where the underlying conduct relates to the applicant's fitness~~
- 62 ~~to practice massage therapy;~~

- 63 (5) The applicant has satisfactory results from a fingerprint record check report
 64 conducted by the Georgia Crime Information Center and the Federal Bureau of
 65 Investigation, as determined by the board. Application for a license under this Code
 66 section shall constitute express consent and authorization for the board or its
 67 representative to perform a criminal background check. Each applicant who submits an
 68 application to the board for licensure by examination agrees to provide the board with any
 69 and all information necessary to run a criminal background check, including, but not
 70 limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees
 71 associated with the performance of such background check ~~The applicant agrees to~~
 72 ~~provide the board with any and all information necessary to perform a criminal~~
 73 ~~background check and expressly consents and authorizes the board or its representative~~
 74 ~~to perform such a check;~~
- 75 (6) The applicant has completed successfully a board recognized educational program
 76 consisting of a minimum of 500 hours of course and clinical work; and
- 77 (7) The applicant has passed satisfactorily the National Certification Examination for
 78 Therapeutic Massage and Bodywork, an equivalent test approved by the board, or an
 79 examination administered by another state or jurisdiction whose license requirements
 80 meet or exceed those of this state."

81 **SECTION 2.**

82 Said title is further amended by revising paragraph (3) of Code Section 43-24A-13, relating
 83 to license by endorsement, as follows:

- 84 "(3) The applicant has satisfactory results from a fingerprint record check report
 85 conducted by the Georgia Crime Information Center and the Federal Bureau of
 86 Investigation, as determined by the board. Application for a license under this Code
 87 section shall constitute express consent and authorization for the board or its
 88 representative to perform a criminal background check. Each applicant who submits an
 89 application to the board for licensure by endorsement agrees to provide the board with
 90 any and all information necessary to run a criminal background check, including, but not
 91 limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees
 92 associated with the performance of such background check ~~The applicant agrees to~~
 93 ~~provide the board with any and all information necessary to perform a criminal~~
 94 ~~background check and expressly consents and authorizes the board or its representative~~
 95 ~~to perform such a check; and"~~

96

SECTION 3.

97 Said title is further amended in Code Section 43-26-3, relating to definitions relative to the
 98 "Georgia Registered Professional Nurse Practice Act," by revising paragraph (1.2) as
 99 follows:

100 "(1.2) 'Approved nursing education program' located in this state means a nursing
 101 education program approved by the board as meeting criteria established by the board.
 102 An 'approved nursing education program' located outside this state means a nursing
 103 education program that the board has determined to meet criteria similar to and not less
 104 stringent than criteria established by the board. In order to be approved by the board, a
 105 nursing education program must be one that is offered by:

106 (A) A unit of the University System of Georgia accredited by the Commission on
 107 Colleges of the Southern Association of Colleges and Schools;

108 (B) An institution of the Technical College System of Georgia accredited by the
 109 Commission on Colleges of the Southern Association of Colleges and Schools;

110 (C) A nonprofit postsecondary institution of higher education that is accredited by a
 111 regional accrediting agency recognized by the United States Department of Education;

112 or

113 (D) A proprietary institution of higher education that is accredited by a regional
 114 accrediting agency recognized by the United States Department of Education; or

115 (E) A nonprofit postsecondary institution of higher education that is a four-year
 116 institution that is not accredited in accordance with subparagraph (C) of this paragraph,
 117 but whose curriculum has been determined by the board to meet criteria similar to and
 118 not less stringent than criteria established by the board for other approved nursing
 119 education programs."

120

SECTION 4.

121 This Act shall become effective upon its approval by the Governor or upon its becoming law
 122 without such approval.

123

SECTION 5.

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