

## HOUSE SUBSTITUTE TO SENATE BILL 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 massage therapists; to provide that an applicant for  
3 a license by endorsement for massage therapy practice shall provide certain information; to  
4 provide for a criminal background check of applicants for a license as a massage therapist;  
5 to change certain provisions relating to provisional permits; to repeal certain obsolete  
6 provisions; to provide for related matters; to provide for an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 43-24A-8.

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

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

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

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

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

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

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

82 **SECTION 2.**

83 Said title is further amended by revising Code Section 43-24A-9, relating to provisional  
 84 permits, as follows:

85 "43-24A-9.

86 ~~(a) A provisional permit to practice as a provisionally permitted massage therapist may be~~  
 87 ~~issued for a two-year period by the board to the following applicants:~~

88 ~~(1) An applicant licensed in another state with like or similar requirements for licensure;~~  
 89 ~~or~~

90 ~~(2) An applicant who is not the holder of any massage therapy license.~~

91 ~~(b) Such permit shall authorize the applicant to work under the supervision of a licensed~~  
 92 ~~massage therapist as provided by the board.~~

93 ~~(c) The applicant, by submitting an application for a provisional permit, agrees to provide~~  
 94 ~~the board with any and all information necessary to perform a criminal background check~~  
 95 ~~and expressly consents and authorizes the board or its representative to perform such a~~  
 96 ~~check.~~

97 (a) A provisional permit to practice as a provisionally permitted massage therapist shall,  
 98 upon proper application, be issued for a six-month period to an applicant who meets the  
 99 following criteria:

- 100 (1) Holds a valid license as a massage therapist in another state;  
 101 (2) Is not a resident of this state;  
 102 (3) Has not had a license or permit to practice as a massage therapist voided, revoked,  
 103 suspended, or annulled by this state or another state; and  
 104 (4) Has not been convicted of a felony in the courts of this state, any other state, territory,  
 105 or country, or in the courts of the United States, including, but not limited to, a plea of  
 106 nolo contendere entered to such charge or the affording of first offender treatment to any  
 107 such charge.
- 108 (b) A provisional permit shall require the applicant to work under the supervision of a  
 109 licensed massage therapist as provided by the board. The board shall be authorized to  
 110 promulgate rules and regulations regarding the requirements for such supervision and the  
 111 enforcement thereof.
- 112 (c) A provisional permit may be voided if the board determines that the person holding  
 113 such permit no longer meets one or more of the criteria set forth in subsection (a) of this  
 114 Code section.
- 115 (d) Such A provisional permit issued pursuant to subsection (a) of this Code section shall  
 116 have the same force and effect as a permanent license until the time of its expiration.
- 117 (e) The A provisional permit issued pursuant to subsection (a) of this Code section shall  
 118 expire on the same date as a permanent license that is issued to persons who have issued  
 119 under this chapter to a holder of a provisional permit who has passed the examination  
 120 pursuant to Code Section 43-24A-8."

121 **SECTION 3.**

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

124 "(3) The applicant has satisfactory results from a fingerprint record check report  
 125 conducted by the Georgia Crime Information Center and the Federal Bureau of  
 126 Investigation, as determined by the board. Application for a license under this Code  
 127 section shall constitute express consent and authorization for the board or its  
 128 representative to perform a criminal background check. Each applicant who submits an  
 129 application to the board for licensure by endorsement agrees to provide the board with  
 130 any and all information necessary to run a criminal background check, including, but not  
 131 limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees  
 132 associated with the performance of such background check ~~The applicant agrees to~~  
 133 ~~provide the board with any and all information necessary to perform a criminal~~  
 134 ~~background check and expressly consents and authorizes the board or its representative~~  
 135 ~~to perform such a check; and"~~

136 **SECTION 4.**

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

139 **SECTION 5.**

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