

Tennessee Board of Massage Licensure



Newsletter

Fall 2010

A regulatory agency of the State of Tennessee

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227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243
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CURRENT COMPOSITION OF THE BOARD

The Tennessee Massage Licensure Board is composed of seven (7) members. Five (5) members are licensed massage therapists with at least five (5) years current experience in the practice of massage and two (2) members are citizen members with no financial interest in massage.

The board's purpose is to protect the public from being misled by incompetent, unscrupulous and unauthorized practitioners, and from unprofessional or illegal practices by persons licensed to practice massage therapy.

Current members of the Tennessee Massage Licensure Board are: Phyllis Salyers, LMT, Chairperson; Chris Sluss, LMT, Secretary; Marcela Collins, LMT; Faith Mayton, LMT; Cynthia Jagers, LMT; Marilyn Field, public member and Pamela Edmond, public member.

LEGISLATIVE UPDATE

The following is a summary of bills relative to the practice of massage therapy in the state of Tennessee.

Public Acts 2010

Public Chapter 871

This public chapter expands and amends the disciplinary grounds upon which the board

may discipline a licensee. The board is authorized to deny, restrict or condition any application for licensure, or revoke, suspend, or otherwise discipline the license of a massage therapist or an establishment, if the applicant, licensee or holder of an establishment license upon proof that the applicant has been convicted in a court of competent jurisdiction of an offense that constitutes a felony or a misdemeanor under the laws of this state; or that the applicant abuses or is addicted to the habitual use of intoxicating liquors, drugs or stimulants to such an extent as to incapacitate such person's performance of professional duties; or that the applicant is mentally incompetent or is guilty of unethical or unprofessional conduct.

This bill became effective May 03, 2010.

Public Chapter 997

This public chapter sets the sunset date of the Tennessee Massage Licensure Board at June 30, 2016.

This bill became effective June 02, 2010.

Public Chapter 1084

This public chapter requires that on and after October 1, 2010, before employing or contracting with any person who would be providing direct patient care, for whom a background check has not been completed, a health care professional licensed under any chapter of title 63 or title 68, chapters 24 and

140, shall initiate and perform a “registry check” which for the purposes of this section is defined as:

(1) A state-by-state look in any state in which the person has lived in the previous seven (7) years of the national sex offender public registry website coordinated by the United States Department of Justice, including but not limited to the sexual offender registry maintained by the Tennessee Bureau of Investigation pursuant to Title 40, Chapter 39, Part 2; and

(2) Any adult abuse registry maintained for any state in which the person has lived in the previous seven (7) years; and

(3) The Department of Health’s elder abuse registry established pursuant to Title 68, Chapter 11, Part 10.

Additionally, should an applicant be listed on any of the registries listed above, the health care professional shall not employ or contract with the person if the person would be providing direct patient care.

A health care professional who complies with the requirements to perform registry checks, or relies on a documented representation provided by an entity with which the health care professional contracts that the person who will work in the office is not on any of these registries, shall not be subject to civil or criminal liability solely based upon the information provided through a registry check under this section. This immunity shall extend to a claim related to the professional’s refusal to employ or contract with a person based on information obtained from a registry check.

This section is not intended to apply to contracted, external staff who provide such services as cleaning services, maintenance of office or medical equipment or other services where direct patient contact is not intended.

This section shall not apply to health care professionals licensed under Title 63, Chapter 12 Veterinarians.

The Department of Health shall post no later than October 1, 2010 in a conspicuous location on its website as well as the website

of each applicable licensing board a link to all potential databases the health care professional would be required to check. In addition, each applicable licensing board shall notify all of its licensees at least annually through board newsletters of their obligations under this statute.

This act became effective October 1, 2010.

REMINDER RE: NATUROPATHY

Last year, the General Assembly amended Sect. 63-6-205 relative to the ban on the practice of naturopathy. Now, the definition of naturopathy excludes the sale of herbs or natural health information exchanges so long as the sale or provision of information exchanges is not conducted for the purpose of prevention, diagnosis or treatment of any physical ailment or physical injury to or deformity of another. The seller must obtain a signed acknowledgement from the buyer that the seller is neither a licensed practitioner of the healing arts in Tennessee, nor meets the recognized qualification criteria which would allow the provision of any form of diagnosis, treatment recommendation or medical care in Tennessee.

CONTINUING EDUCATION VIOLATIONS

A massage therapist licensed in Tennessee must obtain twenty-five (25) hours of continuing education every two (2) years.

In accordance with the policy revised by the board on May 17, 2010, a licensed massage therapist failing to obtain the required continuing education hours, if he or she is a first time offender, is subject to board discipline which includes a one hundred and fifty dollar (\$150.00) civil penalty, a fine of twenty-five dollars (\$25.00) per deficient hour, a requirement to make up the deficient hours and to obtain an additional six (6) penalty hours of continuing education before the end of the next two-year period. These hours are in addition to the twenty-five (25) hours required for that period.

The disciplinary action is reportable on the monthly Disciplinary Action Report.

RETIRING VS. NOT RENEWING

Are you thinking about not renewing your massage therapy or massage establishment license because you are moving to another state, or because you no longer employ a massage therapist in your establishment? If so, consider retiring the license; or, for an establishment license, inactivating the license. Why should you retire or inactivate the license rather than not renew the license? The biggest reason is MONEY. In order to reinstate a license that is in a "Failed to Renew" status, payment must be made of all past due renewal fees and a late renewal fee. Depending on the length of time the license was lapsed, this could be quite costly. No fee payment is required during the time the license is in a retired or inactivated status.

"Affidavit of Retirement From Practice in Tennessee" and "Inactivation of a Massage Establishment License" forms are available on our website at:

<http://health.state.tn.us/boards/Massage/applications.htm>

ACCESSING THE BOARD'S WEB SITE

- Log on to <http://tennessee.gov/health>
- Click on "For Health Care Professionals"
- Click on "Health Related Boards"
- Click "Boards, Councils, Committees, and Registry"
- Select "Massage Board"

The direct address is <http://health.state.tn.us/Boards/Massage>

ACTIVE LICENSEES AS OF SEPTEMBER 30, 2010

Massage Therapist:	4,449
Massage Establishment:	1,500

REDESIGN OF WEB SITE

The Massage Licensure Board website has been redesigned for easier navigation.

The navigational options are as follows:

- Board of Massage Licensure Home has tabs for *About, Members, Meeting Schedule, Meeting Minutes, Practitioner Profiles, and National Organization.*
- Licensure and Education Information has tabs for *Licensure, Educational Programs and Continuing Education.*
- Complaints, Disciplinary Actions and Peer Assistance has tabs for *Complaints and Disciplinary Actions, and Peer Assistance.*
- Applications, Publications, and Information has tabs for *Applications, Noteworthy, Newsletters, and Funding Sources.*
- Statutes, Rules and Policies has tabs for *Legislative Updates, Statutes and Rules, and Policies.*

Reminder: Licensees may now renew their licenses and update licensure information online!

2011 BOARD MEETING DATES

February 7 & 8

May 9 & 10

August 8 & 9

October 24 & 25

All meetings begin at 9 CT and are open to the public. Dates and location are subject to change, but are listed on the board's web site.

Tennessee Board of Massage Licensure
227 French Landing, Suite 300
Heritage Place, MetroCenter
Nashville, TN 37243



**Tennessee Massage Licensure Board
Board Members as of September 30, 2010**

Faith Mayton, LMT
Board Member

Phyllis Salyers, LMT
Chairperson

Marcela M. Collins, LMT
Board Member

Chris Sluss, LMT
Secretary

Marilyn Field
Citizen Member

Cynthia Jagers, LMT
Board Member

Pamela Edmond
Citizen Member

Board Staff

Lisa Lampley
Unit Director

Dianne Birkner
Board Manager

Dale Hill
Board Administrator

Mary Ann Beaty
Licensing Tech