

# Tennessee Board of Massage Licensure



# Newsletter



FALL 2015

A regulatory agency of the State of Tennessee

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Bureau of Health Licensure and Regulation – Health Related Boards – 665 Mainstream Drive, Nashville, TN 37243  
Phone: (615) 253-2111 – Toll Free: (800)778-4123 ext. 2532111 Fax: (615)532-5164 <http://tn.gov/health>

## LIVE STREAMING VIDEO

As of January 1, 2015, each board meeting is streamed live so the public can view the meeting as it is actually being held. A video recording of the meeting is available on the department's web site for one month following the meeting. An audio recording of the meeting is available indefinitely. The link is:

<https://web.nowuseeit.tn.gov/Mediasite/Catalog/Full/98fe21d561e9489487745f0c7da678b221>

## LEGISLATIVE UPDATE

### Public Chapter 154

This act allows the Commissioner of Health or his designee to have electronic access to medical records in order to facilitate investigations when responding to an immediate threat to public health. Today the Commissioner of Health or his designee already has this authority but must go to the facility to review the medical records.

### Public Chapter 94

This act defines "abuser" and "neglect" for purposes of placing a person on the registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals specifically within the statutes that

govern the Dept. of Health. It does not impact the definitions within the statutes that govern the Dept. of Intellectual and Developmental Disabilities nor the Dept. of Human Services. It also increases the time within which placement on the registry may be appealed from 30 to 60 days.

### Public Chapter 502

This act allows the Joint Government Operations Committee (the legislative committee that reviews all rules) to stay a rule up to 75 days instead of 60 days. Present law authorizes the Joint Government Operations Committee to consider the following factors when reviewing rules: authority, clarity, consistency, justification, necessity and reference. This act adds arbitrariness and capriciousness as two new considerations.

If you wish to review any of the Public Chapters in their entirety, please visit:

<http://sos.tn.gov/division-publications/acts-and-resolutions>

## ACTIVE LICENSEES AS OF September 30, 2015

Massage Therapists:	4,293
Massage Establishments:	1,662

## LAW AND ETHICS CURRICULUM TASK FORCE (LECTF)

The LECTF met on Monday, January 5, 2015 at Arbor College in Knoxville, TN and was comprised of the following members: Ed Bolden, Chairperson/School Owner, Educator, CE Provider; Charles West, CE Provider; Marcela Collins, Former Board Chair, Educator, CE Provider, FSMTB Vice President; Maj-Lis Nash, School Owner, Educator, CE Provider; Mindy Oldham, Educator, CE Provider; Bill Mullins, Educator, CE Provider; and Lori Schrader, AMTA-TN 2<sup>nd</sup> Vice President and Legislative Liaison, CE Provider.

The task force made several recommendations which were reviewed and unanimously approved by the Board. The Board requested that the recommendations be implemented immediately in each Tennessee Massage five (5-) hour law class and all two (2-) hour Tennessee Law continuing education classes.

You can view all the LECTF recommendations at:

[http://tn.gov/assets/entities/health/attachments/Massage\\_Law\\_Taskforce\\_Recommendations.pdf](http://tn.gov/assets/entities/health/attachments/Massage_Law_Taskforce_Recommendations.pdf)

## CONTINUING EDUCATION (CE) REQUIREMENTS

Upon renewal or reinstatement of a massage therapist license, the therapist may be subject to an audit of CE hours. All continuing education hours, including all makeup and penalty hours for non-compliance for the 2011-2012 and 2013-2014 audit cycle, shall meet the current rule requirements. **Rule 0870-01-.12** states that each licensed massage therapist must attend and complete twenty-five (25) hours of massage therapy-related CE every two (2) calendar years in courses approved by the Board and only eight (8) of the twenty-five (25) required hours may be completed in a multi-media format. **Licensees are only permitted to obtain a maximum of eight (8) hours via multi-media format to fulfill the CE requirements for the current**

**cycle and any non-compliance with previous cycles.** The administrative office will accept all make-up and penalty hours that were completed before October 1, 2013 and were obtained via multi-media format for the 2009-2010 and 2011-2012 audit cycle.

**Reminder: The 2015-2016 CE cycle ends on December 31, 2016.**

The complete set of rules governing massage is available via our web site at:

<http://share.tn.gov/sos/rules/0870/0870.htm>

## BOARD DISCIPLINARY ACTION REPORT AVAILABLE ONLINE

Tennessee Department of Health issues a monthly media release listing all disciplinary actions taken by the health related boards during the prior month.

<http://www.tn.gov/health/article/boards-disciplinary-actions>

## 2016 BOARD MEETING DATES

February 8 - 9, 2016

May 2 - 3, 2016

August 8 - 9, 2016

October 24 – 25, 2016

All Board meetings begin at 9:00 a.m., Central Time. Board meetings are held at the Board's administrative office and are open to the public. Dates are subject to change, but are listed on the Board's website. In the event of an electronic meeting, a conference room is made available to the public and is the location from which the electronic meeting is conducted.

## PEER ASSISTANCE

The Board of Massage Licensure has contracted with the Tennessee Professional Assistance Program, to assist in safeguarding health care consumers in Tennessee by providing a consultation, referral, and monitoring program for Massage Therapy Practitioners whose practice is impaired or potentially could be impaired due to the use of alcohol or drugs, or a psychological or physiological condition.

Contact the Peer Assistance Program to:

- Obtain more information about the program
- Ask general questions about impaired health care professionals
- Consult with program staff about a specific professional with a suspected problem
- Report a health care professional with a suspected or identified problem
- Provide chemical dependency education to schools, professional associations and other organizations through access to e-learning (tnpap.org)

A referral can be made confidentially by an employer, employee assistance program professional, a co-worker, practice partner, family member, friend, or the practitioner him/herself.

### Tennessee Professional Assistance Program

545 Mainstream Drive, Suite 414  
Nashville, TN 37228-1210

Phone: (615) 726-4001

Toll Free: (800) 776-0786

Fax: (615) 726-4003

Email: [Elaine@tnpap.org](mailto:Elaine@tnpap.org)

## LAPSED LICENSE POLICY

The Board for Massage Licensure recognizes that an individual may inadvertently allow his/her license to expire. However, statute prohibits an individual from working unless he/she has an active and unrestricted license. While the board does not condone an individual working on an expired license, recognition is given to the fact that the problem does exist. As such, the Board has adopted the following procedures for reinstatement of an expired or administratively revoked license.

- Immediately upon recognition that his/her license has expired, the individual must stop practicing and contact the board's administrative office to request a reinstatement application.
- Upon receipt of the reinstatement application, the individuals are to complete the application in its entirety, providing a detailed work history since the license expiration date. The application is to be signed, notarized, and returned to the board's administrative office along with any additional information and all fees specified in the instructions.
- Upon receipt of a completed reinstatement application, supporting documentation, including continuing education, and fees, the board administrator may immediately reinstate a license which has been in an expired status for less than three (3) months.
- If the reinstatement application received reflects in the work history that the individual has worked in excess of three (3) months but less than nine (9) months on an expired license, the board will present to the licensee an Agreed Citation which specifies payment of a civil penalty in the amount of \$100 per month for every month worked in excess of three (3) months up to eight (8) months from the expiration date.
- If the reinstatement application received reflects in the work history that the

individual has worked in excess of nine (9) months but less than twelve (12) months on an expired license, the board will present to the licensee an Agreed Citation which specifies payment of a civil penalty in the amount of \$250 per month for every month worked in excess of nine (9) months up to twelve (12) months from the expiration date. Upon reinstatement, the licensee will be placed on probation until the next renewal period.

- If the reinstatement application received reflects in the work history that the individual has worked in excess of twelve (12) months on an expired license, the licensee's file will be forwarded to the Office of Investigations and the Department of Health, Office of General Counsel for potential formal disciplinary action.
- If the licensee refuses to execute the Agreed Citation and remit the civil penalty described therein within sixty (60) days of the date of the Agreed Citation, the licensee shall be referred to the Office of Investigations and Office of General Counsel for formal disciplinary action.
- The licensee shall be notified that all Agreed Citations prepared in accordance with this policy shall be reportable on the Department of Health's web site, its disciplinary action report issued in the month the action is taken and to all appropriate federal databanks including the National Practitioner Data Bank (NBDB).

**Adopted by the Board on August 12, 2015.**

## **CONTINUING EDUCATION (CE) VIOLATIONS POLICY**

A massage therapist licensed in Tennessee must obtain twenty-five (25) hours of CE every two (2) years. If a licensed massage therapist fails to obtain the required continuing education hours, in an effort to avoid the matter being forwarded to the Department's Office of General Counsel for full prosecution and the possibility of more severe discipline, the therapist, if he or she is a first time offender,

shall be offered an Agreed Citation with the discipline as follows:

1. The licensee shall, within thirty (30) days of being notified of the assessment, pay:
  - a.) A one hundred and fifty dollar (\$150.00) civil penalty; AND
  - b.) Twenty-five dollars (\$25.00) per hour, or portion thereof, the licensee is deficient; and
2. The licensee shall obtain the number of CE hours that he/she was deficient and an additional six (6) penalty hours of CE before the end of the next two year period, in addition to the twenty-five (25) hours required for that period.

If the therapist fails to accept this offer or fails to comply with its terms the matter shall be referred to the Department's Office of General Counsel for full prosecution. Full prosecution may include, and not be limited to, civil penalties double the amount offered in the Agreed Citation, the costs of prosecuting the case, and probation of the therapist's massage license. Likewise, if the massage therapist is found deficient in any subsequent biennial CE period, he/she shall be referred to the Department's Office of General Counsel for full prosecution rather than be offered the benefit of this policy.

Notwithstanding the above, if a massage therapist is deficient no more than two hours, has complied with 0870-01-.12(1)(b) and (c), and has not been found deficient on the previous audit, the therapist shall not be sent an Agreed Citation, but shall instead be sent a letter notifying them of the deficiency and advising them that future deficiencies will result in disciplinary action.

Assessment of a civil penalty and/or requiring the completion of additional CE hours for failure to obtain the required number of hours is discipline that is reportable on the monthly disciplinary report.

**Adopted as revised on August 12, 2014.**

## **MISSION OF THE BOARD**

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. The board adopts and interprets the laws, rules, and regulations to establish and maintain a high standard of integrity, skills, and practice in the profession of massage therapy. The board is responsible for the investigation of alleged violations of the Practice Act and rules and is responsible for the discipline of licensees who are found guilty of such violations.

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### **Tennessee Massage Licensure Board Board Members as of September 30, 2015**

Julie Wray, LMT  
Board Member

Ed Bolden, LMT  
President

Marvis Burke, LMT  
Secretary

Bethann Easterly, LMT  
Board Member

Christi Cross  
Citizen Member

Cynthia Jagers, LMT  
Board Member

Michael Velker  
Citizen Member

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### **Board Staff**

Lisa Lampley  
Board Director

Kimberly Hodge  
Board Manager

Dale Hill  
Board Administrator

Ruth Stewart  
Licensing Tech