

## Notice of Rulemaking Hearing

### Tennessee Massage Licensure Board - 0870

There will be a hearing before the Tennessee Massage Licensure Board to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-1-136, 63-1-145, 63-18-104, 63-18-108, 63-18-111, and 63-18-115. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Department of Health Conference Center's Mockingbird Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 17th day of April, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

### Substance of Proposed Rules

#### Amendments

Rule 0870-01-.03 Necessity of Licensure, is amended by deleting paragraph (3) in its entirety and substituting instead the following language, so that as amended, the new paragraph (3) shall read:

- (3) Use of Titles - Any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the titles "Massage Therapist (M.T.)" or "Licensed Massage Therapist (L.M.T.)" and to practice as a massage therapist, as defined in T.C.A. § 63-18-102. Any person licensed by the Board to whom this rule applies must use one of the titles authorized by this rule in every advertisement he or she publishes. Failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the massage therapist to disciplinary action pursuant to T.C.A. §§ 63-18-104 (c) and 63-18-108 (5), and rule 0870-1-.19 (1) (q).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-18-104, 63-18-108, and 63-18-111.

Rule 0870-01-.12 Continuing Education, is amended by deleting subparagraph (4) (a) in its entirety and substituting instead the following language, and is further amended by inserting the following language as new part (4) (b) 3. and renumbering the current parts (4) (b) 4. and (4) (b) 5. as parts (4) (b) 5. and (4) (b) 6., and is further amended by adding the following language as

part (4) (b) 7., and is further amended by inserting the following language as new subparagraph (4) (d) and renumbering the current subparagraphs (4) (d) through (4) (h) as subparagraphs (4) (e) through (4) (i), and is further amended by deleting renumbered subparagraph (4) (h) and substituting instead the following language, so that as amended, the new subparagraph (4) (a), the new parts (4) (b) 3. and (4) (b) 7., the new subparagraph (4) (d), and the newly renumbered subparagraph (4) (h) shall read:

- (4) (a) Courses to be offered for credit toward the required continuing education hours must, unless otherwise provided, receive approval from the Board.
- (4) (b) 3. American Massage Therapy Association.
- (4) (b) 7. Tennessee Massage Therapy Association.
- (4) (d) Individual licensees may receive continuing education credit for courses presented out of state with the Board's subsequent approval, if the course is presented during the continuing education cycle in which the licensee is requesting credit be applied, upon submitting the following to the Board Administrative Office:
  - 1. The written learning objectives of the course.
  - 2. A course description or outline.
  - 3. Names of all lecturers.
  - 4. Number of hours of educational credit requested.
  - 5. Date of course.
  - 6. Copies of materials to be utilized in the course, upon a Board request.
  - 7. The course provider's telephone number.
  - 8. The course provider's pre-printed brochure, agenda or other materials which describe and/or advertise the course.
- (4) (h) The records required by subparagraph (f) of this rule shall be retained for a period of five (5) years following the date of each program presentation.

Authority: T.C.A. §§ 4-5-202, 4-5-204, and 63-18-111.

Rule 0870-02-.02 Program Approval and Curriculum Requirements, is amended by inserting the following language as new subparagraph (3) (p) and renumbering the current subparagraph (3) (p) as subparagraph (3) (q):

- (3) (p) As a prerequisite to approval or continued approval, the Board's professional peer assistance program must be allowed to make a presentation upon request.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-136, 63-18-111, and 63-18-115.

The notice of rulemaking set out herein was properly filed in the Department of State on the 12th day of February, 2007. (FS 02-19-07, DBID 591, 593)