

RULEMAKING HEARINGS

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, 63-18-105, 63-18-108, 63-18-111, 63-18-112, and Public Chapter 737 of the Public Acts of 2006. 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 Division of Health Related Board's Conference Room on the Third Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 25th day of October, 2006.

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 0870-1-.04 Licensure Process, is amended by deleting subparagraph (1) (m) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (m) shall read:

(1) (m) Reciprocity Licensure

1. Applicants who are licensed or have been licensed in another state as a massage therapist must submit along with their applications copies of the statutes and rules governing the licensure/certification qualifications and process from all states in which they currently or previously have held licensure/certification. The Board will determine in its sole discretion whether the licensure/certification standards of any other state are as stringent as those of Tennessee for purposes of granting licensure under this rule. Unless an applicant makes use of the provisions in part 2. of this subparagraph, no applicant shall be approved for licensure without successfully completing the five (5) classroom hours of instruction regarding Tennessee massage statutes and regulations as required in subpart (1) (f) 1. (v).
2. Applicants can avoid the requirements of part (1) (f) 1. by having N.C.B.T.M.B. submit directly to the Board Administrative Office proof of their certification for the five (5) year period immediately preceding application for licensure and by submitting documentation satisfactory to the Board that they have engaged in the practice of massage therapy in another state for the five (5) year period immediately preceding application for licensure, and who either:

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- (i) have successfully completed the examination requirements of rule 0870-1-.08 and have met the education requirements set forth in part (1) (f) 1. but are unable, because the educational institution either was not state-approved or is no longer in existence, to have a transcript be submitted directly from the institution(s) to the Board Administrative Office; or
- (ii) have graduated from a qualified massage school or course prior to October 1, 1995 and have caused a transcript documenting the graduation to be submitted directly from the institution(s) to the Board Administrative Office.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-105, 63-18-111, 63-18-112, and Public Chapter 737 of the Public Acts of 2006.

Rule 0870-1-.07 Application Review, Approval, and Denial, is amended by deleting subparagraph (6) (b) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (6) (b) shall read:

- (6) (b) The issuance of the license applied for may be withheld, restricted or conditioned for violation of the provisions of T.C.A. § 63-18-108 and any rules promulgated pursuant thereto or failure to fully comply with all application requirements.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-108, 63-18-111, and Public Chapter 737 of the Public Acts of 2006.

Rule 0870-1-.08 Examination, is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph (1) shall read:

- (1) With the exception of applicants qualifying pursuant to Rule 0870-1-.04 (1) (m) 2. (ii) or Rule 0870-1-.05, all persons intending to apply for licensure must successfully complete one (1) of the competency examinations adopted by the Board pursuant to this Rule as a prerequisite to licensure. Such examinations must be completed prior to application for licensure. Evidence of successful completion must be submitted by the examining agency directly to the Board Administrative Office as part of the application process contained in Rule 0870-1-.04.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-105, 63-18-111, 63-18-112, and Public Chapter 737 of the Public Acts of 2006.

Rule 0870-1-.12 Continuing Education, is amended by deleting paragraph (1), subparagraphs (2) (b) and (4) (a), and part (4) (b) 1. in their entirety and substituting instead the following language, and is further amended by inserting the following language as new part (4) (c) 1. and renumbering the existing parts accordingly, so that as amended, the new paragraph (1), the new subparagraphs (2) (b) and (4) (a), and the new parts (4) (b) 1. and (4) (c) 1. shall read.

- (1) Massage Therapy Continuing Education is considered to be those preplanned/formalized activities with written learning objectives that are directed at developing and enhancing an individual's massage therapy knowledge base, or relevant skills. Except for courses offered to meet the requirements of subparagraph (2) (b), these activities may be presented in any

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format authorized by subparagraph (4) (d) and part (4) (b) 5. oriented toward enhancement of massage therapy and for the purpose of accomplishing specific written objectives.

- (2) (b) Two (2) hours of the twenty-five (25) hour requirement shall pertain to federal and Tennessee statutes and rules concerning massage therapists and establishments. Providers must comply with all the following before the course can be presented:
 1. The provider must submit the course materials for review and approval pursuant to subparagraph (4) (c) of this rule; and
 2. The course, including multi-media courses, must be presented in a lecture format with successful completion of a written post experience examination to evaluate material retention; and
 3. The provider must submit documentation sufficient to show that the information to be disseminated in the course is accurate and current and is in compliance with paragraph (1) and subparagraph (4) (c) of this rule; and
 4. The provider must submit a statement signed by an attorney licensed in Tennessee stating that he or she has reviewed and approved the course materials and information to be disseminated as being accurate and current.

- (4) (a) Courses to be offered for credit toward the required continuing education hours must, unless otherwise provided, receive prior approval from the Board. Approval once granted, regardless of whether approval is pursuant to subparagraphs (b) or (c) of this paragraph, is effective only for the continuing education cycle as identified in subparagraph (2) (a) in which they are approved. All courses that have been approved under this rule prior to the effective date of this rule will expire at the end of the continuing education cycle in which the effective date of this rule falls. After that, all courses/hours provided for credit toward meeting the requirements of this rule must be approved either pursuant to part (b) 1. or subparagraph (c) of this paragraph in every continuing education cycle in which they are offered.

- (4) (b) 1. Associations, corporations, or organizations authorized as a provider by the National Certification Board for Therapeutic Massage and Bodywork or the National Commission for Certifying Agencies. Provided however, any provider approved by any organization identified in this part who intends to include in their course the hours necessary to meet the requirements of subparagraph (2) (b) of this rule must also comply with all of the following before those hours can be presented:
 - (i) The provider must submit the course materials for those hours for review and approval pursuant to subparagraph (4) (c) of this rule; and
 - (ii) Those hours, including multi-media courses, must be presented in a lecture format with successful completion of a written post experience examination to evaluate material retention; and
 - (iii) The provider must submit documentation sufficient to show that the information to be disseminated in those hours is accurate and current and is in compliance with paragraphs (1) and subparagraph (4) (c) of this rule; and

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- (iv) The provider must submit a statement signed by an attorney licensed in Tennessee stating that he or she has reviewed and approved the materials and information to be disseminated as being accurate and current.

- (4) (c) 1. The written learning objectives of the course.

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

The notice of rulemaking set out herein was properly filed in the Department of State on the 15th day of August, 2006. (08-20-06)