

Notice of Rulemaking Hearing
Tennessee Massage Licensure Board

There will be a hearing before the Tennessee Massage Licensure Board to consider the promulgation of amendment to rules and new rules relative to fees pursuant to T.C.A. §63-18-111, 63-18-115, and 63-18-116. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204, and will take place in the Iris Room, 227 French Landing, Heritage Place, Nashville, Tennessee at 9:00AM (Central Time) on the 27th day of October, 2008.

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, Ste. 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

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

Lisa Lampley, Massage Licensure Board, 227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, Tennessee 37243 at (615) 532-5090.

Substance of Proposed Rules

Amendments

Chapter 0870-01

General Rules Governing Licensed Massage Therapists and Establishments

Rule 0870-01-.06 Fees is amended by deleting subparagraph (1)(h) in its entirety and substituting the following language, and by adding a new subparagraph (1)(i) as follows:

- (1)(h) A reinspection fee is a nonrefundable fee to be paid by an establishment when an establishment does not pass inspection, fails to schedule an inspection, does not appear for a scheduled inspection, or moves to a new location requiring an inspection of the new establishment.
- (1)(i) A continuing education course approval fee is a nonrefundable fee to be paid by a continuing education course provider upon the submission of a continuing education curriculum to be approved by the Board each continuing education cycle.

Authority: T.C.A. §63-18-111.

Rule 0870-01-.06 Fees is amended by deleting subparagraphs (2)(a), (2)(b), (2)(c), (2)(d), (2)(h), and (2)(i) and instead substituting the following:

- (2)(a) Individual application fees shall include the following:
 - 1. Application fee.....\$85.00
 - 2. Initial licensure fee.....\$185.00

3. State regulatory fee.....\$10.00

Total application fees due upon submission of an application.....\$280.00

(2)(b) Establishment application fees shall include the following:

1. Application fee.....\$95.00

2. Initial licensure fee.....\$120.00

3. State regulatory fee.....\$10.00

Total application fees due upon submission.....\$225.00

(2)(c) Individual biennial licensure renewal fee.....\$185.00

(2)(d) Establishment biennial licensure renewal fee.....\$135.00

(2)(h) Reinspection fee

1. due to a failed inspection or for a failure to allow or to appear for inspection.....\$110.00

2. due to a change of address because of moving to a new location...\$135.00

(2)(i) Continuing education course approval fee.....\$100.00

(per course)

Rule 0870-01-.12 Continuing Education 0870-01-.12(4)(b)(1) is amended by deleting the text of subdivision (iii) and substituting instead the following and by adding a new subdivision (iv) as follows:

(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 paragraph (1) and subparagraph (4)(c) of this rule; and

(iv) The provider shall submit the continuing education course approval fee established in rule 0870-01-.06(2)(i)

Authority: T.C.A. §63-18-111.

New Rules
Chapter 0870-02
General Rules Governing Massage Therapy Educational Programs

Table of Contents

0870-02-.09 Fees

0870-02-.09 Fees.

(1) Types of Fees.

- (a) Program application fee is a non-refundable fee to be paid by all applicants for approval of a new massage therapy program. This fee includes an initial approval fee and the state regulatory fee.
- (b) Annual program renewal fee is a non-refundable fee to be paid prior to the issuance of the renewal certificate. This fee includes an annual renewal fee and the state regulatory fee. This fee must be received annually on or before June 30th.
- (c) Existing program registration fee is a non-refundable fee to be paid by all massage programs that (within ninety (90) days of the effective date of this rule) are currently approved by the Board.
- (d) Late renewal fee is a non-refundable fee to be paid when the program fails to submit the required annual report. This is an additional fee which must be submitted with the annual program renewal fee and state regulatory fee.
- (e) State regulatory fee is a non-refundable fee to be paid by all individuals upon initial application and renewal.
- (f) Replacement certificate fee is a non-refundable fee to be paid when an approved massage program requests replacement approval for the massage therapy educational program due to name and/or address changes.
- (g) Remedial application fee is a non-refundable fee to be paid when an approved massage program is required to submit a remedial plan.

(2) Fee Schedule:

- (a) Program application fee shall include the following:
 - 1. Initial approval fee.....\$500.00
 - 2. Existing program registration fee.....\$100.00
 - 3. State regulatory fee.....\$5.00
- (b) Annual program renewal fee shall include the following:
 - 1. Annual renewal fee.....\$250.00
 - 2. State regulatory fee.....\$5.00

- (c) Late renewal fee.....\$500.00
- (d) Replacement certificate fee.....\$250.00
- (e) Remedial application fee.....\$750.00

Authority: T.C.A. §63-18-111 and 63-18-115.

Rule 0870-2-.02 Program Approval and Curriculum Requirements is amended by adding a new subparagraph (4) as follows:

- (4) The program providers shall pay all applicable fees established in rule 0870-2-.08 for the application and renewal of the program approval by the Board as well as fees to process a replacement license and a remedial plan.

Authority: T.C.A. § 63-18-111 and 63-18-115.

The notice of rulemaking hearing set out herein was properly filed in the Department of State on this the 29th day of August, 2008. (FS 08-27-08; DBID 907-908)