

Policy Statement
Tennessee Massage Licensure Board

LAPSED LICENSE POLICY-ESTABLISHMENT

The Massage Licensure Board recognizes that an establishment may inadvertently allow its license to expire. However, the law prohibits the practice of massage therapy in an establishment without an active license. As such, the Board has adopted the following procedures for reinstatement of an expired license.

1. Immediately upon recognition that the license has expired, the establishment must cease operating and a reinstatement application must be obtained from the Board's website or from the Board's administrative office.
2. The reinstatement application must be completed in its entirety. 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.
3. Upon receipt of a completed reinstatement application, supporting documentation (including any required proof of continuing education), and the applicant's payment of all fees, the Board's administrator may reinstate a license which has been in an expired status for less than two (2) months immediately upon approval from the Board's consultant. Although the Board and administrative staff recognizes the applicant's urgent interest in having their license reinstated, preferential treatment will not be given to these applicants. All applicants are reviewed in the order in which they are received.
4. If the work history reflects that the establishment has operated in excess of two (2) months but not more than twelve (12) months on an expired license, the Board will send the licensee an Agreed Citation that specifies payment of a fine calculated as follows:

Months works on expired license	Agreed citation civil penalty total
3	\$250
4	\$500
5	\$750
6	\$900
7	\$1150
8	\$1300
9	\$1550
10	\$1800
11	\$2050
12	\$2300

5. The license of an establishment that has been sent an Agreed Citation pursuant to this policy will not be reinstated unless and until the Agreed Citation is executed by the licensee and payment of the fine remitted to the Board's administrative office.
6. Agreed Citations prepared in accordance with this policy shall be reportable on the Department of Health's website and on its monthly disciplinary action report, as well as to all appropriate federal databanks included the National Practitioner Data Bank (NPDB).
7. If the licensee refuses to execute the Agreed Citation and/or remit the civil penalty described therein within sixty (60) days of the date the Agreed citation is sent to the licensee, or if the establishment operated on a lapsed license for twelve (12) months or longer, the licensee shall be referred to the Office of Investigations and the Office of General Counsel for formal disciplinary action. Upon a proven violation, the minimum disciplinary action for this violation shall be:
 - a. A reprimand of the license and probation of the license until the next renewal period;
 - b. Assessment of civil penalties in an amount to exceed the amounts specified above;
 - c. Assessment of costs associated with investigating and prosecuting the matter; and
 - d. Any and all other remedies the Board deems appropriate.
8. In the event the matter is referred to the Office of Investigations and Office of General Counsel for formal disciplinary action, the Board's administrative office shall be permitted to reinstate those applicants for whom they have received a completed reinstatement application, supporting documentation (including any required proof of continuing education), and the applicant's payment of all fees, subject to further action on the license as described in paragraph seven (7) above. Though the Board's administrator may reinstate such a license upon approval from the Board's consultant, preferential treatment will not be given to these applicants. These applications will be reviewed in the order in which they are received. For applicants who have declined an Agreed Citation, their application will be deemed received sixty (60) days from the date the Agreed Citation was sent.

EFFECTIVE ON: January 1, 2023

CHAIRPERSON: Michael Welton