

**RULES
OF
TENNESSEE MESSAGE LICENSURE BOARD**

**CHAPTER 0870-02
GENERAL RULES GOVERNING MESSAGE THERAPY EDUCATIONAL PROGRAMS**

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0870-02-.01 DEFINITIONS. As used in this chapter, the following terms and acronyms shall have the following meanings ascribed to them:

- (1) Board – Tennessee Massage Licensure Board
- (2) Program – any massage therapy program or school
- (3) TBR – Tennessee Board of Regents
- (4) THEC – Tennessee Higher Education Commission
- (5) NCETMB – National Certification Examination for Therapeutic Massage and Bodywork

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-111, and 63-18-115. **Administrative History:** Original rule filed March 24, 2006; effective June 7, 2006.

0870-02-.02 PROGRAM APPROVAL AND CURRICULUM REQUIREMENTS.

- (1) Massage therapy programs must receive written approval from the Tennessee Massage Licensure Board.
- (2) Application Process
 - (a) Massage therapy programs seeking approval must submit an application which provides the following information a minimum of thirty (30) days prior to the next regularly scheduled Board meeting in order for the Board to review the application:
 1. Name of parent institution and authority for operations;
 2. Location of principal clinical facilities;
 3. Locations of all satellite facilities;
 4. Names and license number of all licensed teaching staff and the program director;
 5. Curriculum vitae, including professional license numbers and description and explanation of any prior disciplinary action taken against a license, for all teaching staff, including the program director;
 6. Maximum class size;

(Rule 0870-02-.02, continued)

7. Submission of the program catalog; and
 8. Submission of other such information that the Board may deem necessary.
- (b) The program director shall appear before the Board as part of the initial approval process. The curriculum shall be presented at the meeting.
- (3) The Board-approved program shall adhere to the following minimum standards:
- (a) Instructor/student ratio shall be at least one (1) instructor to every ten (10) working students for any hands-on class;
 - (b) The program curriculum shall include, but not be limited to, the topics contained in the current National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination, its successor and/or other approved examination, content outline at the time of admission of the student. The program shall, at a minimum, consist of five hundred (500) classroom hours and must contain:
 1. Two hundred (200) classroom hours of sciences including, but not limited to, anatomy, physiology-Western and/or/Eastern, kinesiology, pathology, HIV/AIDS, and blood-borne pathogens, and hygiene (including standard precautions). Other sciences related to the human body may be included with Board approval.
 2. Two hundred (200) classroom hours of basic massage theory and practice including, but not limited to, history, benefits, indications, contraindications, demonstration and supervised practice, client assessment/evaluation, soft tissue manipulations including: gliding, kneading, friction, compression, vibration, percussion, stretching, joint movements, draping, positioning, turning, feedback, charting/documentation, proper body mechanics, and self-care.
 3. Eighty-five (85) classroom hours of related subjects including, but not limited to, business standards of practice, communication skills, CPR/First Aid, the Americans with Disabilities Act, referral methods, specialized populations, and specialized and adjunct therapies/modalities (including hydrotherapy).
 4. Ten (10) classroom hours of ethics courses.
 5. Five (5) classroom hours of courses regarding Tennessee massage statutes and regulations.
 - (c) The program catalog, program syllabus, policies, procedures and the NCBTMB handbook or brochure regarding the examination, its successor and/or other approved examination, current content outline and eligibility criteria, are to be distributed on or before the first (1st) class session.
 - (d) If books are provided by the program, the books on a particular subject shall be distributed prior to the class on that subject;
 - (e) The program must inform each student of the requirements for licensure and must specifically include the provisions regarding criminal convictions.
 - (f) The program must have a written policy on the accepted pass-fail rates or grading system used by the program.

(Rule 0870-02-.02, continued)

- (g) The program must have a written protocol or policy on the mechanism to evaluate a student's performance. At least one (1) evaluation is required within the first half of the program.
- (h) The program must have a written policy on the dismissal of students.
- (i) The program shall create and maintain records on each student, including official transcripts, in compliance with the rules of the Tennessee Higher Education Commission or the Tennessee Board of Regents.
- (j) Upon request, a copy of the transcript shall be provided to the student upon completion of or withdrawal from the program. The student must comply with the enrollment agreement to receive a copy.
- (k) The transcript shall include the following at a minimum:
 - 1. The program name;
 - 2. Name of the student;
 - 3. Subjects covered in the program;
 - 4. Grades for each subject;
 - 5. Signature of an authorized program/school official;
 - 6. Date issued;
 - 7. Date of graduation; and,
 - 8. Number of contact hours completed.
- (l) The Board shall be notified of any change in directorship and/or instructors within ten (10) days of hire or discharge. Documentation of the training and experience of any new hires must be received within ten (10) days of hire.
- (m) The Board shall be notified immediately of any changes made in the operation of the school such as a change of ownership, director of education, institutional director, location, and/or approval status with THEC or TBR;
- (n) Board approval and subsequent re-approvals shall be issued annually. Application for re-approvals shall meet all requirements of this rule;
- (o) At any time, designees of the Department of Health or other state agencies shall be provided full access to program materials, examinations, and the classroom during instruction. Failure to provide access pursuant to this provision may subject the provider to withdrawal of program approval.
- (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.
- (q) A member of the Board or a Board designee may issue preliminary program approval subject to subsequent Board ratification.

(Rule 0870-02-.02, continued)

- (4) The program providers shall pay all applicable fees established in rule 0870-02-.08 for the application and renewal of the program approval by the Board as well as fees to process a replacement certificate and a remedial plan.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-136, 63-18-111, and 63-18-115. **Administrative History:** Original rule filed March 24, 2006; effective June 7, 2006. Amendment filed April 30, 2008; effective July 14, 2008. Amendment filed April 9, 2009; effective June 23, 2009.

0870-02-.03 WITHDRAWAL OF PROGRAM APPROVAL. Program approval may be withdrawn if the Board finds the program in violation of any of its statutes or regulations or if the Board finds the program inadequate for certification purposes based upon random auditing of the program and/or its effectiveness in producing qualified graduates. The minimum standard for continued program approval shall be at least seventy percent (70%) of the students over at least a six (6) month period passing the licensure examinations on the first (1st) attempt.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-111, and 63-18-115. **Administrative History:** Original rule filed March 24, 2006; effective June 7, 2006.

0870-02-.04 PROGRAM ADMISSION REQUIREMENTS.

- (1) Students must be at least eighteen (18) years old;
- (2) Students must have either a high school diploma or GED certificate;
- (3) Students must be legally entitled to live and work in the United States; and
- (4) Students may not have been convicted of the offense of prostitution or sexual misconduct.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-111, and 63-18-115. **Administrative History:** Original rule filed March 24, 2006; effective June 7, 2006.

0870-02-.05 MINIMUM STANDARDS FOR DIRECTORS, INSTRUCTORS AND CLASSROOMS.

- (1) Directors and Instructors
 - (a) Program Director – The program director of the massage therapy program must be currently licensed in Tennessee as a massage therapist with at least five (5) years experience. The program director must meet all other conditions required by THEC or TBR to be a program director. For purposes of this chapter of rules, the program director is the individual who has direct responsibility for the supervision and daily operations of the massage therapy program or school.
 - (b) Director of Education – The director of education must meet all conditions required by THEC or TBR to be a director of education. If the director of education also functions as the massage therapy program director, he/she must be currently licensed in Tennessee as a massage therapist with at least five (5) years experience.
 - (c) Institution Director – The institution director must meet all conditions required by THEC or TBR to be an institution director. If the institution director also functions as the massage therapy program director, he/she must be currently licensed in Tennessee as a massage therapist with at least five (5) years experience.
 - (d) Instructors – Any persons who instruct must be currently Tennessee licensed professionals in their appropriate profession if such profession requires licensure. If

(Rule 0870-02-.05, continued)

the instructor is required to be licensed in order to practice his/her profession, the instructor may teach only principles and concepts from that profession. They must have at least three (3) years of practical experience within the past seven (7) years in the subject area to be taught.

- (e) Instructors who are professionally licensed/authorized by any state or certified by any national organization must disclose to the program any prior disciplinary action by such states or national organizations, and the program shall so notify the Board. The Board may deny approval of a program based upon an instructor's past disciplinary history.
- (f) The program director shall establish an evaluation system to evaluate the performance of each instructor.
- (g) The program director shall ensure that staff meetings are held to discuss progress of students, policies and procedures for the school, and changes to the statutes and rules of the Tennessee Massage Licensure Board which will affect the program's students.
- (h) The program director is responsible for the conduct of the instructors and students and any violation of the rules or statutes may result in the discipline of the program director's license, the withdrawal of program approval and/or the assessment of civil penalties.

(2) Classrooms

- (a) The classroom size must accommodate the number of students enrolled in the program, and;
- (b) The classroom must be appropriately equipped to promote effective instruction.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-111, and 63-18-115. **Administrative History:** Original rule filed March 24, 2006; effective June 7, 2006.

0870-02-.06 PROGRAM POLICIES AND PROCEDURES.

(1) Infectious Disease Management

- (a) The program must have a written policy on infectious disease management and infection control; and
- (b) The policy must be in compliance with all applicable state and federal regulations and guidelines.

(2) Emergency Management

- (a) Protocols shall be established to ensure the safety of instructors, students, clients, and the public in the event of an emergency;
- (b) First aid/emergency kits must be available at all times, and
- (c) All instructors must be continuously certified in basic life support.

(3) Fire and Safety

- (a) All programs must comply with local and state fire codes.

(Rule 0870-02-.06, continued)

- (b) Written fire and safety procedures shall be made available to each student. Pertinent fire safety procedures shall be displayed in conspicuous places.
- (4) Sexual Harassment
 - (a) All programs must have a written policy on sexual harassment to address situations between instructors, clients, and students.
 - (b) The policy must be in compliance with all applicable state and federal regulations and guidelines, and;
 - (c) The policy must be reviewed with and distributed to all instructors, staff, and students.
- (5) Equal Employment Opportunity Commission (EEOC) - All programs must abide by the requirements imposed by the EEOC.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-111, and 63-18-115. **Administrative History:** Original rule filed March 24, 2006; effective June 7, 2006.

0870-02-.07 ANNUAL REPORT. The program shall file an annual report with the Board.

- (1) The report shall contain:
 - (a) the number of students enrolled;
 - (b) the number of students graduated;
 - (c) the number of students dismissed or withdrawn;
 - (d) the number of students sitting for the licensure test; and
 - (e) the percentage of students taking the test for the first (1st) time and passing the licensure test.
- (2) A copy of the report filed with THEC or TBR is deemed to meet the requirements of this rule.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-111, and 63-18-115. **Administrative History:** Original rule filed March 24, 2006; effective June 7, 2006.

0870-02-.08 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.

(Rule 0870-02-.08, continued)

- (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 programs 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. State regulatory fee \$5.00
 - (b) Existing program registration fee \$100.00
 - (c) Annual program renewal fee shall include the following:
 - 1. Annual renewal fee \$250.00
 - 2. State regulatory fee \$5.00
 - (d) Late renewal fee \$500.00
 - (e) Replacement certificate fee \$25.00
 - (f) Remedial application fee \$750.00

Authority: T.C.A. § 63-18-111, and 63-18-115. **Administrative History:** Original rule filed April 9, 2009; effective June 23, 2009.