

POLICY
TENNESSEE MASSAGE LICENSURE BOARD

UNLICENSED ESTABLISHMENT ENFORCEMENT

If an establishment does not make timely application for licensure under this policy and continues to operate, in an effort to avoid the matter being forwarded to the Department's Office of General Counsel for full prosecution and the possibility of more severe sanctions, upon application for licensure the matter may be settled and an authorization to practice or a license issued pursuant to the following:

If the establishment is owned by someone who is not a licensed massage therapist, the establishment shall be assessed and pay a base civil penalty in the amount of three hundred dollars (\$300.00) and an addition civil penalty calculated by multiplying one hundred dollars (\$100.00), times the number of massage table available for use in the establishment, times the number of months that the establishment operated without a license including any time before or during the above referenced thirty (30) day period.

If the establishment is owned by someone who is a licensed massage therapist, the establishment shall be assessed and pay a base civil penalty in the amount of five hundred dollars (\$500.00) and an additional civil penalty calculated by multiplying two hundred dollars (\$200.00), times the number of massage table available for use in the establishment, times the number of months that the establishment operated without a license including any time before or during the above referenced thirty (30) day period. The acceptance of this settlement offer does not prohibit the massage therapist from being prosecuted for any conduct that occurred in the establishment for which he or she might be separately disciplined.

If the establishment has allowed the unlicensed practice of massage therapy, the civil penalties required to be paid pursuant to this policy are in addition to the civil penalties required to be paid under the Board's "Unlicensed Practice of Massage Therapy Policy."

If the establishment fails to accept the offered settlement or fails to comply with its terms the matter shall be referred to the Department's Office of General Counsel for full prosecution.

Adopted by the Tennessee Massage Licensure Board on December 5, 2005.

Revised by the Tennessee Massage Licensure Board on February 22, 2010.