

**POLICY STATEMENT
MESSAGE LICENSURE BOARD**

LAPSED LICENSE POLICY

The Massage Licensure Board recognizes that an individual or an establishment may inadvertently allow his/her/its license to expire. However, applicable law prohibits an individual from working as a massage therapist unless he/she has an active license, and 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 individual must cease practicing, or 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, including a detailed work history since the license expiration date. 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 three (3) months immediately upon approval from the Board's consultant. Although the Board and administrative staff recognize the applicant's urgent interest in having his or her license reinstated, preferential treatment will not be given to these applicants. All applications are reviewed in the order in which they are received.
4. If the work history reflects that the individual has practiced in excess of three (3) months but less than nine (9) months on an expired license, the Board will send the licensee an Agreed Citation that specifies payment of a fine in the amount of one hundred dollars (\$100) per month for every month in which the individual has worked at least one day beyond the first three (3) months.
5. If the work history reflects that the individual has practiced in excess of nine (9) months but less than twelve (12) months on an expired license, the Board will send the licensee an Agreed Citation that specifies payment of a fine in the amount of six hundred dollars (\$600) PLUS two hundred fifty dollars (\$250) per month for every month in which the individual has worked in excess of nine (9) months. The Agreed Citation shall further specify that the licensee will be placed on probation until the next renewal period.
6. The license of an individual or 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.

7. 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 including the National Practitioner Data Bank (NPDB).
8. 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 licensee practiced on a lapsed license for twelve (12) months or longer, the licensee shall be referred to the Office of Investigations and 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.
9. 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 eight (8) 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.

ADOPTED BY THE MASSAGE LICENSURE BOARD ON FEBRUARY 8, 2016.