

Rules of
**Department of Economic
Development**

**Division 197—Board of Therapeutic Massage
Chapter 6—Complaints and Investigations**

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 197—Board of Therapeutic
Massage**

Chapter 6—Complaints and Investigations

4 CSR 197-6.010 Public Complaint Handling and Disposition Procedure

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.

(1) The Division of Professional Registration/Board of Therapeutic Massage will receive and process each complaint made against any licensee, applicant or unlicensed individual or entity, in which the complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 324.240–324.275, RSMo. Any member of the public or the profession, or any federal, state or local official, may make and file a complaint with the Board of Therapeutic Massage. Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri. No member of the Board of Therapeutic Massage may file a complaint with the board while serving in that capacity, unless that member is excused from further deliberation or activity concerning the matters alleged within that complaint. The executive director or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: The Division of Professional Registration or the Board of Therapeutic Massage, P.O. Box 1335, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or beliefs based on information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Oral or telephone communications will not be considered or processed as complaints. The person making these communications will be asked to file a written statement.

(4) The division will maintain each complaint received under this rule. The complaint file will contain a record of each complainant's name and address, and the subject(s) of the complaint; the date each complaint is received by the division; a brief statement of

the complaint, including the name of any person injured or victimized by the alleged acts or practices; and the ultimate disposition of the complaint. This complaint file shall be a closed record of the division.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee with any actionable conduct or violation. The complaint filed by the board need not be limited to the acts charged in a public complaint.

(7) The division/board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division/board. This rule does not create any cause of action for licensees against whom the division/board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.240–324.275, RSMo.

AUTHORITY: sections 324.245, 324.257, 324.260, 324.262, 324.275 and 620.010.15(6), RSMo Supp. 1999. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000.*

**Original authority: 324.245, RSMo 1998, amended 1999; 324.257, RSMo 1998, amended 1999; 324.260, RSMo 1998, amended 1999; 324.262, RSMo 1998, amended 1999; 324.275, RSMo 1998; 620.010.15(6), RSMo 1973, amended 1981, 1983, 1986, 1989, 1990, 1993, 1994, 1995, 1999.*

4 CSR 197-6.020 Investigation

PURPOSE: This rule outlines the procedures for conducting an investigation.

(1) Upon receipt of a complaint in proper form, the division/board may investigate the actions of the licensee, applicant or registrant against whom the complaint is made.

(2) In conducting an investigation, the division/board, in its discretion, may request the licensee, applicant or registrant under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before the division/board.

AUTHORITY: sections 324.245, 324.257, 324.260, 324.262, 324.275 and

620.010.15(6), RSMo Supp. 1999. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000.

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