

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**May 2, 2016**

Time: 9:00 a.m. C.S.T.

Location: 665 Main Stream Drive  
HRB Conference Center  
1<sup>st</sup> Floor, Iris Room  
Nashville, TN 37243

Members Present: Ed Bolden, LMT Chairperson  
Cynthia Jagers, LMT,  
Marvis Burke, LMT, Secretary  
Julie J. Wray, LMT  
Christi Cross, Citizen Member  
Bethann Easterly, LMT

Members Absent: Michael Velker, Citizen Member

Staff Present: Lisa Lampley, Board Director  
Kimberly Hodge, Board Manager  
Dale Hill, Board Administrator  
Marc Guilford, Office of General Counsel

The meeting was called to order at 9:15 a.m. by Dr. Ed Bolden, Board Chairperson. Dr. Bolden welcomed everyone to the meeting and encouraged the students to attend the Board meetings and become an active part of the massage and bodywork profession. Dr. Bolden said the reason the Board exists is to protect the health, welfare and safety of the citizens of the state of Tennessee. Prior to conducting business, Lisa Lampley conducted a roll call to establish a quorum. A quorum was present.

**Minutes**

Upon review of the February 8-9, 2016 and March 11, 2016 minutes, Ms. Cross made a motion, seconded by Ms. Burke, to approve the minutes as written. The motion carried.

**Applicant Interviews**

**Jun Wang**

Ms. Jun Wang appeared before the Board to answer and explain concerns regarding her educational transcript submitted from The East West Institute of Hand Therapy for her massage therapy application. The Board's concern was based on evidence that the massage school Ms. Wang attended, The East West Institute of Hand Therapy, is currently listed as an unapproved school on the California Massage Therapy Council web site. The Board was also concerned with

the discrepancies between the hours shown attended on the transcript and the hours attended on the verification form that was submitted by the school. The Tennessee Massage Board administrative office provided an interpreter from the Tennessee Foreign Language Institute for the interview. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Wang's massage therapist licensure application. After a brief discussion, Ms. Easterly made a motion, seconded by Ms. Cross, to deny Ms. Wang's massage therapist application based on T.C.A 63-18-108 (1) and T.C.A 63-18-105(b)(3)(A). The motion carried.

### **Jinli Zhao**

Ms. Jinli Zhao was asked to appear before the Board to answer and explain concerns regarding her educational transcript submitted from American International Vocational College for her massage therapy application. Ms. Zhao's application was first reviewed by the Applicant Review Committee at the April 8, 2016 meeting. Ms. Zhao was present at the April 8, 2016 meeting, and the ARC Committee recommended denial of Ms. Zhao's massage therapist application. The Committee's decision was based on evidence that Ms. Zhao attended a massage school that was subsequently unapproved by the California Massage Therapy Council. Ms. Zhao was not present at the meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with a discussion and decision regarding Ms. Zhao's massage therapist application. The motion carried. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke, to deny Ms. Zhao's massage therapist application based on T.C.A 63-18-108 (1)(7) and T.C.A 63-18-105(b)(3)(A). The motion carried.

### **JianPing Hou**

Ms. JianPing Hou was asked to appear before the Board to answer and explain concerns regarding her educational institution. Ms. Hou attended American College Massage School, which is listed as an unapproved school on the National Certification Board for Therapeutic Massage and Bodywork based upon major discrepancies and inconsistencies on documentation that was submitted from the school to NCBTMB. The Tennessee Massage Board administrative office provided an interpreter from the Tennessee Foreign Language Institute for the interview. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Hou's massage therapist licensure application. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray, to approve Ms. Hou's massage therapist application. The motion carried.

### **Hongyu Duan**

Ms. Hongyu Duan was asked to appear before the Board to answer and explain concerns regarding the many inconsistencies in her massage therapy application. The Board's concern was based on evidence that Ms. Duan failed to report having attended East West Massage School in South Carolina, which had its approval revoked by the South Carolina Commission on Higher Education, that she falsely reported having attended Everest College when she took the MBLEx exam, and based on attendance records from Brightness Massage School for the Blind that appear to indicate that Ms. Duan didn't attend classes during much of the time she was supposedly enrolled at Brightness. Ms. Duan was not present at the meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with a discussion and decision regarding Ms. Duan's

massage therapist application. The motion carried. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke, to deny Ms. Duan's massage therapist application based on T.C.A 63-18-108 (1)(7). The motion carried.

### **Dong Mei Ni**

Ms. Ni was asked to appear before the Board to answer additional questions and concerns regarding the educational transcript submitted for her massage therapy application and, owning and operating unlicensed establishments. The Board reviewed the massage therapist application of Dong Mei Ni. Ms. Ni was asked to attend the meeting because her previous massage application was denied by the Board at the August 10, 2015 meeting. The Board's decision was based on evidence that Ms. Ni had attended a massage school that was subsequently unapproved by the California Massage Therapy Council, owned and operated two unlicensed massage establishments, employed unlicensed therapist at least one of the establishments, continued to operate one of the establishments after the Board denied the establishment application, and she was untruthful with the ARC Committee during her interview on July 17, 2015. The Tennessee Massage Board administrative office provided an interpreter from the Tennessee Foreign Language Institute for interview. The interpreter, Ms. Jiao Hoggard, translated the Board's questions and concerns regarding Ms. Ni's massage therapist licensure application. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to deny Ms. Ni's massage therapist application based on T.C.A 63-18-108 (1)(7) and T.C.A 63-18-104 (a)(b). The motion carried.

### **Jianfen Yang – Jian Yang DBA Young Reflexology Foot Spa**

Ms. Jianfen Yang appeared before the Board to answer and explain concerns regarding her massage establishment application. Ms. Yang's establishment application was first reviewed by the Applicant Review Committee at the April 8, 2016 meeting. Ms. Yang was present at the April 8, 2016 meeting, and the ARC Committee recommended denial of Ms. Yang's massage establishment application. The Committee's decision was based on evidence that the establishment had previously been denied a license by the Board due to operating without a license, that the establishment lease was still held by the previous owner that had been denied, Ms. Yang's statements that her husband was the true owner of the location, but the application didn't reflect his name as an owner, and the indication in the application that the only therapist she intended to have work in the establishment lived and practiced in Nashville, which is over 150 miles from the establishment location in Knoxville. The Tennessee Massage Board administrative office provided an interpreter from the Tennessee Foreign Language Institute for interview. The interpreter, Ms. Jiao Hoggard, translated the Board's questions and concerns regarding Ms. Yang's massage establishment application. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to deny Ms. Yang's massage establishment application based on T.C.A 63-18-108 (1). The motion carried.

### **Judy Lynne Ray**

Ms. Ray appeared before the Board to answer and explain concerns regarding her work history in Florida. Ms. Ray's massage application was first reviewed by the Applicant Review Committee at the April 14, 2016 meeting. Ms. Ray was present at the meeting, and the ARC Committee

recommended deferral of Ms. Ray's massage therapist application to the full Board. The Committee's decision was based on evidence that Ms. Ray was issued a Consent Order by the North Carolina Board for improperly advertising her Raindrop services to the public while her North Carolina massage license was expired, and inconsistencies in her Tennessee massage therapy application of her employment history in Florida since her license expired in 2013. It was recommended by the ARC Committee, that Ms. Ray submit a letter of explanation to the Board for review regarding her work history. After a review of the documentation and a brief discussion, Ms. Easterly made a motion, seconded by Ms. Wray to approve Ms. Ray's massage therapist application. The motion carried.

### **Jacquelyn Y. White**

Ms. White appeared before the Board to answer and explain concerns regarding her multiple misdemeanor and felony criminal convictions involving fraud and drugs. Based on the information in Ms. White massage application, she was requested to contact the Tennessee Professional Assistance Program for an evaluation. Based upon her evaluation, Ms. White was required to execute a TnPAP monitoring agreement. Ms. White adhered to the requirements and signed her monitoring agreement. Ms. Eaton appeared at the meeting and stated that Ms. White was compliant. After a brief discussion, Ms. Wray made a motion, seconded by Ms. Burke to approve Ms. White's massage therapist application. The motion carried.

### **William J. Clark – Sonic Sciences**

Mr. Clark appeared before the Board to explain why he answered "no" on his establishment application regarding any convictions other than a minor traffic offense. Mr. Clark's criminal background check revealed multiple charges, and a conviction for a 2004 Battery. After a brief explanation, Ms. Wray made a motion, seconded by Ms. Cross, to grant Mr. Clark a massage establishment license. The motion carried

### **Christy Keen – The Body Shop Health and Wellness Studio**

Ms. Keen appeared before the Board to answer and explain concerns regarding her establishment application for The Body Shop Health and Wellness Studio located at 1804 Sharp Springs Road Winchester, TN. She was requested to attend the Board meeting based on evidence that the location for which she applied for had advertised for massage therapy services without being able to perform the services at the establishment, because the establishment didn't hold a massage establishment license. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to deny Ms. Keen's massage establishment application based on T.C.A 63-18-108 (5)(7) and T.C.A 63-18-104 (b). The motion carried.

### **Shannon Maye**

Ms. Maye was asked to appear before the Board to answer and explain concerns regarding her work history on her massage therapist reinstatement application. On her initial reinstatement application, Ms. Maye had written that she was employed at Massage Envy in Nashville, TN after her license had expired. Upon the Board Administrative Office requesting an explanation, Ms.

Maye as well as her employer, Massage Envy, wrote a letter explaining that she hadn't practiced massage after her license expired. Ms. Maye also stated that she had mistakenly written the start date of her new job. Ms. Maye was not present at the meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with a discussion and decision regarding Ms. Maye's massage therapy reinstatement application. The motion carried. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray, to approve Ms. Maye's reinstatement application. The motion carried.

### **Kendra Lenice Thomas**

Ms. Thomas was asked to appear before the Board to discuss and answer concerns regarding a 2009/2010 continuing education violation that was referred over to the Office of General Counsel. Ms. Thomas's massage license expired in August 2014, and therefore, she was also requested to submit proof of completion of her required twenty five (25) hours of continuing education during 2011/2012 and an additional twenty-one hours of continuing education for the 2013/2014 cycle. Ms. Thomas was unable to show proof of twenty one (21) hours of continuing education during her 2009/2010 cycle, four hours of TN Law and Ethics during her 2011/2012, and twenty-one (21) hours of continuing education during her 2013/2014 cycle. After a brief discussion, Ms. Thomas requested that she be allowed to withdraw her reinstatement application to allow time to complete her continuing education hours. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Easterly, to allow Ms. Thomas to withdraw her reinstatement application. The Board expressed that they would consider reinstating Ms. Thomas after she completed forty-five (45) of the sixty-eight (68) continuing education hours she needed complete. The motion carried.

### **Cynthia Diane Johnston**

Ms. Johnston appeared before the Board to have her educational documentation reviewed for approval. Ms. Johnston submitted an application for licensure as a massage therapist in Tennessee. Upon review of her file, the administrative office determined that Ms. Johnston neither met the educational requirements for licensure through the standard application process nor for licensure by reciprocity. The Tennessee Massage statute requires an applicant to prove that he/she has graduated from a massage school that taught at least the minimum curriculum that Tennessee requires. Based upon the letter from the Miami Dade County School Board, it appeared that Ms. Johnston completed 500 hour Massage Licensure Preparation and Colon Irrigation program at Lindsey Hopkins Technical Education Center on March 1985. After discussion, Ms. Wray made a motion, seconded by Ms. Easterly, to approve Ms. Johnston's massage application. Upon the motion, Mr. Guilford and Ms. Hodge asked the Board for justification for the motion. This request was based on lack of an official transcript or documentation showing proof that Ms. Johnston's Massage and Colon Irrigation program meets the Boards requirements. The motion failed. After further discussion, Ms. Cross made a motion, seconded by Ms. Burke, to deny Ms. Johnston's massage application. The Board determined that Ms. Johnston didn't meet the requirements for licensure as a massage therapist in Tennessee based on T.C.A 63-18-105 (b) and rule 0870-01-04(1)(e). The motion carried with Ms. Wray and Ms. Easterly opposed.

### **Angelica S. Ruano**

Ms. Ruano was asked to appear before the Board to answer and explain concerns regarding her work history on her massage therapist reinstatement application. On her initial reinstatement application, Ms. Ruano had written that she was employed at In the Buff Day Spa and Salon in Chattanooga, TN until November 30, 2015 when her massage license expired. The Massage Board's Administrative Office was able to schedule an appointment for a massage with Ms. Ruano on April 21, 2016. After a detailed discussion, Ms. Wray made a motion, seconded by Ms. Easterly, to approve Ms. Ruano's reinstatement application upon her submitting her signed agreed citation and paying a \$200.00 fine pursuant to Board policy for working five (5) months on a lapsed license. The motion carried with Ms. Cross opposed.

Ms. Cross made a motion, seconded by Ms. Burke, that a case be opened on Stephanie Hudgins, owner of In the Buff Day Spa and Salon for allowing Ms. Ruano to continue to practice in the establishment after Ms. Hudgins realized that her massage license had expired. The motion carried.

#### **Angelina A. Bey – Le Angelle (Massage therapist application & Establishment)**

Ms. Bey appeared before the Board to explain why she answered "no" on her massage therapist application and her establishment application regarding any convictions other than a minor traffic offense. Ms. Bey's criminal background check revealed her license was suspended for unpaid parking tickets. After a brief explanation, Ms. Cross made a motion, seconded by Ms. Burke, to grant Ms. Bey a massage therapist license and her massage establishment license. The motion carried

#### **Dr. Michael A. Wolff – Chattanooga Massage Institute, Inc.**

Dr. Wolff appeared before the Board with legal counsel to answer and explain concerns regarding his massage establishment application for Chattanooga Massage Institute, Inc. Dr. Wolff's massage establishment application was first reviewed by the Applicant Review Committee at the April 8, 2016 meeting. Dr. Wolff was present at the meeting, and the ARC Committee recommended deferral of his massage establishment application to the full Board. The Committee's decision was based on Dr. Wolff answering "no" on the ownership or proceeds disclosure form regarding any convictions other than a minor traffic offense. Dr. Wolff's criminal background check revealed a May 1993 DUI, but due to the age of his charge, he was unable to obtain documentation from the court. The Committee also requested that Dr. Wolff submit proof of the Bill of Sale of the school to show that he was the sole owner and responsible party. Dr. Wolff explained that Ms. Jodi Waters would be the Director and he would oversee her. After a brief discussion, Ms. Wray made a motion, seconded by Ms. Burke to approve the establishment application. The motion carried.

#### **Charles R. Thomas**

Mr. Thomas requested to appear before the Board to discuss his 2011 and 2014 DUI convictions. Based on the information in Mr. Thomas's massage application regarding his convictions, he was requested to contact the Tennessee Professional Assistance Program for an evaluation. Mr. Thomas underwent a TnPAP evaluation, which recommended therapy and a monitoring agreement. Mr. Thomas disagreed with the recommendations and requested a second evaluation, but upon learning he would be financially responsible for the evaluation, he declined. Mr. Thomas attended the initial

therapy session, but was unwilling to participate and voiced his disagreement with the evaluation recommendations. Mr. Thomas presented the Board with additional documentation from the Veteran Affairs Office, letters from his previous employer and an outline from his interaction with TnPAP and his evaluators. Upon review of the documentation and a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to approve Mr. Thomas's massage license contingent upon him submitting proof of completion of his probation. The motion carried and Ms. Easterly abstained.

### **John Wesley Fortner**

Mr. Fortner appeared before the Board with legal counsel to answer and explain concerns regarding his massage therapist application. Based on the information in Mr. Fortner's massage application regarding his convictions, he was requested to contact the Tennessee Professional Assistance Program for an evaluation. Mr. Fortner underwent a TnPAP evaluation, and the evaluator didn't recommend any treatment or monitoring agreement at this time. Mr. Fortner's massage therapist application was first reviewed by the Applicant Review Committee at the April 8, 2016 meeting. Mr. Fortner was present at the meeting, and the ARC Committee recommended deferral of his massage therapist application to the full Board. The Committee's decision was based on Mr. Fortner's multiple charges from 1974 thru 1997 for indecent exposure, unnatural and lascivious acts, and disorderly conduct. Mr. Fortner explained that he has practiced as a licensed massage therapist in Alabama since 1998 and a licensed registered nurse for over 39 years without any professional issues or discipline. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Easterly, to grant Mr. Fortner a massage therapist license. The motion carried

### **Stacey Ann Maxwell-Krockenberger**

Dr. Maxwell appeared before the Board to have her educational documentation reviewed for approval. Dr. Maxwell submitted an application for licensure as a massage therapist in Tennessee. Upon review of her file, the administrative office determined that Dr. Maxwell neither met the educational requirements for licensure through the standard application process nor for licensure by reciprocity. The Tennessee Massage Board rules require that transcripts be submitted directly from the institution(s) to the Board Administrative Office. The transcript must carry the official seal of the institution(s) and must show that the applicant has successfully completed a massage, bodywork, and/or somatic therapy curriculum(s) consisting of no less than five hundred (500) classroom hours in specific areas. Dr. Maxwell informed the Board Ms. Carole Madsen, former owner and director of Healing Arts Center, is the official holder of the records and therefore is able to create a transcript at any time. Ms. Madsen, who lives in Hawaii, first created a transcript with the school name of Pacific Center for Awareness and Bodywork and submitted to the Board. The school Dr. Maxwell attended was named Healing Arts Center, and Pacific Center for Awareness and Bodywork is Ms. Madsen's current school that she founded in Hawaii. The Board Administrative office submitted an e-mail to Dr. Maxwell explaining that the transcript couldn't be accepted because the transcript hadn't come directly from the institution and didn't carry the official seal of the institution. Ms. Madsen then submitted the transcript she created to the Missouri Board and asked the Missouri Board to submit the transcript to the Tennessee Board. Upon receipt, the Administrative Office contacted the Missouri Board and requested a certified copy of Dr. Maxwell's massage therapist licensure file. Based upon the certified copy of Dr. Maxwell's

Missouri licensure file, Dr. Maxwell only completed 200 hours of massage therapy training. Mr. Guilford explained to the Board that he had reached out to the current school President, David Kenyon, regarding Dr. Maxwell's transcript. Mr. Kenyon stated that the school has on file an official transcript, but due to federal law was unable to share the transcript with Mr. Guilford unless Ms. Maxwell signed a release form. The Board suggested that Dr. Maxwell contact the school and request that an official transcript is mailed to the Tennessee Massage Board Administrative Office. After further discussion, Ms. Burke made a motion, seconded by Ms. Easterly to defer action on Dr. Maxwell's file to allow her time to contact the school she attended and requested that an official transcript be sent to the Board. The motion carried with Ms. Cross opposed.

**Directors Report**

As of April 30, 2016 there were 4,260 licensed massage therapists and 1,645 licensed massage establishments.

Following is the license status since the last meeting:

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>February 2016</b>	<b>February 2016</b>
Newly Licensed – 44	Newly Licensed – 13
Reinstate Applications – 4	Reinstate Applications – 4
Retired- 10	Retired – 5
New Applications- 44	New Applications- 15

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>March 2016</b>	<b>March 2016</b>
Newly Licensed – 41	Newly Licensed – 17
Reinstate Applications – 12	Reinstate Applications – 6
Retired- 10	Retired – 11
New Applications- 44	New Applications- 13

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>April 2016</b>	<b>April 2016</b>
Newly Licensed – 32	Newly Licensed – 20
Reinstate Applications – 18	Reinstate Applications- 3
Retired- 17	Retired- 8
New Applications- 33	New Applications- 29

**Office of Investigation/Disciplinary Report**

Ms. Nichelle Dorroh, Disciplinary Coordinator, reported the Board currently has thirty-one (31) open complaints against massage therapists and fifteen (15) open complaints against massage establishments in the Office of Investigations.

**Office of General Counsel Cases**

## **Consent Orders**

### **Patricia Darlene White, L.M.T. – 7591**

Jennifer Putnam, Assistant General Counsel, presented and discussed the Agreed Order for Patricia Darlene White. Ms. White failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Ms. White no longer wishes to practice massage therapy or to maintain her license. Due to the facts above, Ms. White voluntarily surrendered her massage license. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. White's license is surrendered. She was required to pay all actual and reasonable costs associated with prosecuting the case.

### **Margaret Leigh Arias-Alvarez, L.M.T. – 7631**

Paetria Morgan, Assistant General Counsel, presented and discussed the consent order for Margaret Leigh Arias-Alvarez. Ms. Alvarez failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Arias-Alvarez had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Arias-Alvarez's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Arias-Alvarez's license was placed on probation, and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Fifty Dollars (\$1,550.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00, and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

### **Kelli Paul – Debutante Salon and Day Spa, 2569**

Marc Guilford, Assistant General Counsel, presented and discussed the agreed order for Ms. Kelli Paul, owner and operator of Debutante Salon and Day Spa. From June 1, 2014 through on or about April 8, 2016, Ms. Paul continued to operate and offer massage therapy services to the public for compensation without a current valid establishment license. As the owner and responsible person of Debutante Salon and Day Spa establishment, Ms. Paul violated T.C.A 63-18-104(a)(b), T.C.A 63-18-108(9), and TENN COMP. R. & REGS 0870-01-19(d).

After a discussion and review, the Board found that Ms. Paul had violated the Tennessee Massage Licensure Board statutes and regulations. Her conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Wray, to accept the consent order as written. The motion carried. Ms. Paul's Tennessee massage establishment license is hereby placed on probation until the next renewal period. She was assessed six (6) Type C Civil Penalties in the amount of One Hundred dollars each for a total of (\$600.00), and thirteen (13)

Type B Civil Penalties in the amount of Two Hundred Fifty dollars (\$250.00) for a total assessment of Three Thousand Eight Hundred Fifty dollars (\$3,850.00). Ms. Paul was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00.

**Junguo Zheng – Xian Shu Inc. d/b/a Tai Ji Exercises, 2815**

Marc Guilford, Assistant General Counsel, presented and discussed the consent order for Junguo Zheng, owner and operator of Xian Shu Inc. d/b/a Tai Ji Exercises. From April 1, 2015 through on or about April 8, 2016, Mr. Zheng continued to operate and offer massage therapy services to the public for compensation without a current valid establishment license. As the owner and responsible person of Xian Shu Inc. d/b/a Tai Ji Exercises establishment, Mr. Zheng violated T.C.A 63-18-104(a)(b), T.C.A 63-18-108(9), and TENN COMP. R. & REGS 0870-01-.19(d).

After a discussion and review, the Board found that Mr. Zheng had violated the Tennessee Massage Licensure Board statutes and regulations. His conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Jaggars, to accept the consent order as written. The motion carried. Mr. Zheng's Tennessee massage establishment license is hereby placed on probation until the next renewal period. He was assessed six (6) Type C Civil Penalties in the amount of One Hundred dollars each for a total of (\$600.00), and four (4) Type B Civil Penalties in the amount of Two Hundred Fifty dollars (\$250.00) for a total assessment of One Thousand Six Hundred dollars (\$1,600.00).

**Junguo Zheng – Xian Shu Inc. d/b/a Oriental Reflexology Center, 2816**

Marc Guilford, Assistant General Counsel, presented and discussed the consent order for Junguo Zheng, owner and operator of Xian Shu Inc. d/b/a Oriental Reflexology Center. From April 1, 2015 through on or about April 8, 2016, Mr. Zheng continued to operate and offer massage therapy services to the public for compensation without a current valid establishment license. As the owner and responsible person of Xian Shu Inc. d/b/a Oriental Reflexology Center establishment, Mr. Zheng violated T.C.A 63-18-104(a)(b), T.C.A 63-18-108(9), and TENN COMP. R. & REGS 0870-01-.19(d).

After a discussion and review, the Board found that Mr. Zheng had violated the Tennessee Massage Licensure Board statutes and regulations. His conduct constitutes grounds for discipline. Ms. Burke made a motion, seconded by Ms. Cross, to accept the consent order as written. The motion carried. Mr. Zheng's Tennessee massage establishment license is hereby placed on probation until the next renewal period. He was assessed six (6) Type C Civil Penalties in the amount of One Hundred dollars each for a total of (\$600.00), and four (4) Type B Civil Penalties in the amount of Two Hundred Fifty dollars (\$250.00) for a total assessment of One Thousand Six Hundred dollars (\$1,600.00).

**Peter Wayne Peterson, L.M.T - 6817**

Marc Guilford, Assistant General Counsel, presented and discussed the consent order for Peter Wayne Peterson. Mr. Peterson failed to comply with his 2014 Consent order, which was in response to his 2009/2010 continuing education violation, and he failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon

discussion and review, the Board found that Mr. Peterson had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Peterson's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Mr. Peterson's license was placed on probation, and he must pay the outstanding balance of \$355.00 for his 2009/2010 continuing education violation. He was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Fifty Dollars (\$1,550.00). He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00, and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

**Chasity Horner, L.M.T. – 2268**

Marc Guilford, Assistant General Counsel, presented and discussed the updated Consent Order for Chasity Horner. Ms. Horner's consent order was first ratified by the Board at the February 8, 2016 meeting, but due to legal language errors, the order was corrected and represented to the Board for review and approval. Ms. Horner failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Horner had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Horner's conduct constitutes grounds for discipline. A motion was made by Ms. Burke, seconded by Ms. Cross, to approve the consent order as written. The motion carried.

Ms. Horner's license was placed on probation. She was assessed one (1) Type B Civil Penalty in the amount of three hundred dollars (\$300.00), and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of one thousand five hundred fifty dollars (\$1550.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00, and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

**Xinh Thi Nguyen, L.M.T. – 3181**

Marc Guilford, Assistant General Counsel, presented and discussed the Consent Order for Xinh Thi Nguyen. Ms. Nguyen's consent order was first ratified by the Board at the February 8, 2016 meeting, but due to legal language errors, the order was corrected and represented to the Board for review and approval. Ms. Nguyen failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle, but per Mr. Guilford had submitted all hours except six (6) penalty hours. Upon discussion and review, the Board found that Ms. Nguyen had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Nguyen's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Nguyen's license was placed on probation. She was assessed six (6) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of three hundred dollars (\$300.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00, and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

### **Agreed Order**

#### **Chun Ying Wang, LMT 8398 - Amazing Massage, 4130**

Marc Guilford, Assistant General Counsel, presented and discussed the agreed order for Chun Ying Wang, owner and operator of Amazing Massage. Around March 2015, Wang and Amazing Massage employed at least two unlicensed individuals to practice massage therapy at Amazing Massage. As the owner and responsible person of Amazing Massage establishment, Wang violated T.C.A 63-18-108(7)(12), TENN COMP. R. & REGS 0870-01-.02(2)(b)(1) and 0870-.01-.02(1).

After a discussion and review, the Board found that Wang had violated the Tennessee Massage Licensure Board statutes and regulations. Wang's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to accept the agreed order as written. The motion carried. Wang's Tennessee massage license and establishment license is hereby revoked. Wang was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars \$3,000.00.

### **Office of General Counsel Report**

Mr. Marc Guilford stated there is currently an estimated 150 open cases in OGC that pertain mostly to continuing education. He informed the Board that the rulemaking packet is in internal review within the Office of General Counsel. The Sunset Review Hearing extended the Tennessee Massage Board for six (6) years.

### **Ratify Agreed Citations for Lapsed Licenses**

Ms. Burke made a motion, seconded by Ms. Cross, to approve the list of Agreed Citations for lapsed licenses:

Quetzaly Vinstrup Anderson, LMT - 7667

Ms. Anderson agreed to pay a civil penalty in the amount of \$100.00 for practicing massage therapy on a lapsed license for four (4) months. The motion carried.

Helga Maria Burns, LMT - 1033

Ms. Burns agreed to pay a civil penalty in the amount of \$500.00 for practicing massage therapy on a lapsed license for eight (8) months. The motion carried.

Abigail Moore Tharpe, LMT - 4217

Ms. Tharpe agreed to pay a civil penalty in the amount of \$500.00 for practicing massage therapy on a lapsed license for eight (8) months. The motion carried.

Janet Lee Hall, LMT - 176

Ms. Hall agreed to pay a civil penalty in the amount of \$200.00 for practicing massage therapy on a lapsed license for five (5) months. The motion carried.

Kayla Michelle Melton, LMT - 8871

Ms. Melton agreed to pay a civil penalty in the amount of \$100.00 for practicing massage therapy on a lapsed license for four (4) months. The motion carried.

Lisa Grissim, FNP-C, Owner, Profiles Laser and Medical Aesthetics - 2751

Ms. Grissim agreed to pay a civil penalty in the amount of \$500.00 for operating a massage establishment on a lapsed license for eight (8) months. The motion carried.

#### **Ratify Agreed Citations for Continuing Education Violations**

Upon review, Ms. Burke made a motion, seconded by Ms. Cross, to approve the list of Agreed Citations. The motion carried.

Jamie Lee Bixby, LMT

Mr. Bixby agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2013/2014 continuing education cycle.

Thais K. Carr, LMT

Ms. Carr agreed to pay civil penalties in the amount of \$225.00 for failing to obtain three (3) hours of continuing education during the 2013/2014 continuing education cycle.

Elizabeth J. Deeter, LMT

Ms. Deeter agreed to pay civil penalties in the amount of \$375.00 for failing to obtain nine (9) hours of continuing education during the 2013/2014 continuing education cycle.

Randy Ed. Ford, LMT

Mr. Ford agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2013/2014 continuing education cycle.

Shawna Leann Gentle, LMT

Ms. Gentle agreed to pay civil penalties in the amount of \$475.00 for failing to obtain thirteen

(13) hours of continuing education during the 2013/2014 continuing education cycle.

John Michael Harvey, LMT

Mr. Harvey agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2013/2014 continuing education cycle.

Heather Lyng Hunnicutt, LMT

Ms. Hunnicutt agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2013/2014 continuing education cycle.

Kyle Gibson Jones, LMT

Mr. Jones agreed to pay civil penalties in the amount of \$225.00 for failing to obtain three (3) hours of continuing education during the 2013/2014 continuing education cycle.

Sarah Elizabeth Keck, LMT

Ms. Keck agreed to pay civil penalties in the amount of \$225.00 for failing to obtain three (3) hours of continuing education during the 2011/2012 continuing education cycle.

Kiana Janelle Koss, LMT

Ms. Koss agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2013/2014 continuing education cycle.

Colleen Mahan, LMT

Ms. Mahan agreed to pay civil penalties in the amount of \$575.00 for failing to obtain seventeen (17) hours of continuing education during the 2013/2014 continuing education cycle.

Cynthia R. Motley, LMT

Ms. Motley agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2013/2014 continuing education cycle.

Laura Elaine Pendergrass, LMT

Ms. Pendergrass agreed to pay civil penalties in the amount of \$175.00 for failing to obtain one (1) hour of continuing education during the 2013/2014 continuing education cycle.

Stephanie M. Sharpe, LMT

Ms. Sharp agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2013/2014 continuing education cycle.

Hope Alexis Shamerelle Spencer, LMT

Ms. Spencer agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2013/2014 continuing education cycle.

Morgan Renee' Valdez, LMT

Ms. Valdez agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2013/2014 continuing education cycle.

Samantha Elizabeth Well, LMT

Ms. Wells agreed to pay civil penalties in the amount of \$425.00 for failing to obtain eleven (11) hours of continuing education during the 2011/2012 continuing education cycle.

**Ratifications**

Ms. Cross made a motion, seconded by Ms. Burke, to approve the lists of ratification for initial and reinstated licenses for massage therapists and massage establishments. The ratification list included initially approved and approved conditional licenses from the April 8, 2016 Application Review Committee. The motion carried.

**Massage Therapist**

Agnew Erika Sherell	Liu Yueping
Andrew Raymond Earl	Mccoy Michelle Leanna
Bielema Patricia Ann	Meers Aja Shea
Bond Ashley Renea	Mello Danielle Marie
Boozer Whitney Renee	Michaels Megan Enderle White
Brown Hillary Larqueta	Mowrey Samantha Alyse
Case Dorothy Sue	Myers Heather Nicole
Claflin Dawn Danell	Nettenstrom Jackie Jo
Climer Heather Lynn	Perry Tabatha Kristina
Collier Lila Elena	Perry William Joseph
Collins Charles E.	Pittman Ashleigh Nikole
Covington Jamie Jaleesa	Poole Shalyn Jade
Dean Lauren Mallory	Pry-Paulsen Mariellen L.
Deblasis Katie Ann	Randell Hannah Elaine
Desrosiers Jennifer M.	Ripic Donna M.
Duncan Rosemarie	Rogers Natalia
Dunkin Benjamin Jake	Russo Kayla Lynn
Evitt Britney Nichole	Sharp Kayla Ann
Flowers Sheila Hooper	Snipes Marsheka F.

Francis Sonya Renee	Somers Jena Parker
Gonzalez Alvaro Joseph	Stiles Johanna Maria
Harry Ashley Nicole	Tate Calvin Dwight
Hill Victoria Louise	Thompson Mascha Katharina
Himebook Rachel Anne	Trowbridge Amanda Lynn
Hodge Chelsey Ann	Wallace Laura Eve
Holt Brittany Monique	Watson Shanshan
Hullett Heather Elizabeth	Weekes Mikal Jeromy
Jarvis Samantha Ann	Wheeler Laurie Michelle
Jayme Mari Anne	Williams Stephen Lynn
Johnson Sandra Joyce	Wilson Cynthia Danette
Kelley Darby Linn	Wilson Michelle Lynn
Kelly Ashley Mary Ellen	Xu Aiqing
Key Andrea Florence	Yang Jianfen
Law Erin Christian	Yeater Erica Lee
Lee Morgan Tyler	Yu Hong
Leutwiler Shelagh Magee	Zhang Huifang
Li Zhenqing	Zhang Yazhou

### **Massage Therapists Reinstated**

Andersen Quetzaly Vinstrup	Mcdonald Elizabeth Ann
Bigger Emma Lisa	Melton Kayla Michelle
Burns Helga Maria	Mitchell Faith Zacchaia
Caro Jessica Lynn	Overholt Heather Leigh
Carter Bobbi Lynn	Selby Lindsay Darlene
Darden Jane Elizabeth	Shepler Carol Dianne
Farris Lindsay Erin	Sweetman Brendan Jack
Griggs Elvis Lawrence Jr.	Tharpe Abigail
Hall Janet L.	Wu Jingyu
Jordan Kimberly Nicole	Bowers Julya Jolene
Keefe Paula Kay	Drumond Rachel Suzanne
Kuhn Theresa Marie	Evans Sara Cathryn
Lawson Jenny Lee	Page Judith Joy
Liu Lijuan	Perry Jason Elliot
Lockhart Edmesta Marquitta	Ross Chasity Salynn

### **Massage Establishments**

Advanced Rehabilitation & Pain Management Llc	Massage615 Llc
All That Glitters Spa & Salon	Massaging With Care

Bradshaw Chiropractic	Memphis Massage And Bodywork
Brentwood Chiropractic And Sports Injuries	Metta Massage Of Livingston
Calm Creek Massage	Muse Family Chiropractic Llc
Chinese Back Rub	Music City Healing Massage
Connections Integrative Bodywork	Peace Massage Therapy
Daymar College	Reality Break Massage Therapy
East Memphis Massage	Reality Break Massage Therapy
Faith Hendrix Rn Lmt	Relache Spa At Gaylord Opryland Resort
Foot Retreat Massage	Restorative Health Therapeutic Massage
Gifted Hands Massage	Serendipity Massage & Wellness Llc
Gordon Jewish Community Center	Serenity At Miller-Motte Technical College
Healing Arts Spa	Simply You
House Of Style	Soulace
Inn8 Touch Massage Therapy	Stronghold Chiropractic (Dba) Hausmann Legacy Llc
Jensi'S Massage Care	Sun Massage
Kneading Together Massage	Traceside Holistic Massage
Martin Yoga Llc	Trumps Inc.
	Yin Yang House Inc

**Massage Establishments Re-Activated**

Body Enhancement Center Llc D/B/A La Bella @ Famosa Spa	Slender Wrap Of Chattanooga
Holistic Options Healthcare	Spa 406
Jackson Massage & Day Spa	Serenity Massage
Knoxville Reflexology Group Inc.	Zenurgy
Profiles: Laser And Medical Aesthetics	

**Approved Continuing Education Courses**

Ms. Cross made a motion, seconded by Ms. Burke, to approve the following continuing education courses. The motion carried.

1. “Reiki 1 – Usui/Ryoho Tibetan Tradition” – 16 hrs. – Missy L. Travis, LMT - TN021916-37
2. “Usui Tibetan Reiki Level I & II” – 12 hrs. – Alexandra Alexander, LMT - TN031716-38

**Review Board Correspondence**

**Arbor College–Waiver for Rule 0870-02-.02(3)(d) regarding Impaired Professional Program**

Ms. Lisa Lampley, Massage Board Director, read a letter from Donna M. Funk, Director of Education for Arbor College. Ms. Funk requested that the Board provide a written waiver of compliance to ensure that the school was not held accountable for the requirements under rule 0870-02-.02(3)(d) from 2013 until 2015. The previous provider for the Impaired Professional

Program cancelled all scheduled presentations with Arbor College, and the current provider anticipated launching an online educational seminar in May 2016. Therefore, it wasn't possible for Arbor College to comply with the rule. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to approve the waiver for Arbor College regarding rule 0870-02-.02(3)(d). The motion carried. After further discussion, Ms. Cross made a motion, seconded by Ms. Burke to approve a waiver for all approved Tennessee Massage Schools. The motion carried.

#### **Elizabeth L. Cunningham - Establishment License**

Ms. Lisa Lampley, Massage Board Director, read a letter from Elizabeth L. Cunningham regarding her establishment fees. Ms. Cunningham expressed her frustration with the Board and the establishment fees. Ms. Cunningham reactivated her massage establishment license and paid the \$245.00 reactivation fee for allowing her license to lapse. Due to system error, Ms. Cunningham was sent a renewal form 3 months, in which she paid an additional \$145.00. Upon being made aware of the error, the Administrative Staff immediately changed Ms. Cunningham's establishment expiration date from 2017 to 2019. The Board Administrative Staff also called Ms. Cunningham, apologized for the system error, and explained the change in expiration. The Board took no action.

#### **Cynthia Motley, LMT – Continuing Education**

Ms. Lisa Lampley, Massage Board Director, read a letter from Cynthia Motley, LMT regarding a continuing education "redemption" clause for massage therapist. Ms. Motley felt that there was no need for her license to be under negative constraints after paying all fines and completing all make-up hours. She explained in her letter that the "redemption" clause would be the same concept as rewarding a child after being held accountable for the mistake that was made. After a brief discussion, Dr. Bolden stated that the Board's purpose was to protect the public and to uphold the rules and laws that govern the profession. Mr. Guilford also explained that due to legal requirements, Board issued discipline couldn't be removed from the Department of Health website. The Board took no further action.

#### **Andrew Jiang,–Brightness School for the Blind - Request for approval to teach two (2) hour Tennessee Statutes and Rules**

Mr. Andrew Jiang, LMT, owner of Brightness School for the Blind located in Memphis, TN, had submitted a letter requesting approval to teach two (2) hours of continuing education of Tennessee Massage Statutes and Rules. The consultant's review resulted in a request for approval be reviewed and discussed by the full Board. In his request, Mr. Jiang expressed his concerns of illegal activities (prostitution), and his disappointment that businesses and workers don't hold themselves to the ethical standards of the massage therapy field. Mr. Jiang stated that he was a Chinese-American that could write and speak Mandarin, and that he could utilize his language advantage and experience to focus on Chinese speaking employees and managers by educating them on the Massage statutes and rules. Ms. Cross made a motion, seconded by Ms. Burke to deny the Mr. Jiang's approval to teach the two (2) hour Tennessee Statutes and Rules continuing education class. The Board's decision was based upon T.C.A 63-18-108(7)(12) for refusing to submit the requested documentation to the Board regarding Brightness's 500 hour

Massage Therapy Program, and the many violations and fines Tennessee Higher Education Commission levied on Brightness during multiple audits. The motion carried.

### **Presentation by the Tennessee Professional Assistance Program (TnPAP)**

Mr. Mike Harkreader, Executive Director of TnPAP, and Ms. Elaine Eaton, Administrative Director, were present at the meeting and provided the Statistical Report for the Tennessee Professional Assistance Program for the period of July 1, 2015 to March 31, 2016. Currently TnPAP is monitoring two (2) massage therapists. Mr. Harkreader reported that there are five (5) effective agreements, five (5) pending agreements, and one (1) pending evaluation. There have been twenty-three (23) Board referrals and eleven (11) clients whose file was closed for either declining services or declining recommendation. He informed the Board that the two (2) hour educational video to inform students, the public, and licenses about the Massage Board's peer assistance program should be complete and available for the schools very soon.

Dr. Bolden requested for Mr. Harkreader to explain to the Board the expectations of the TnPAP evaluators. After a brief explanation, Mr. Harkreader told the Board that TnPAP is a total abstinence program. He also stated he is only aware of one program in the United States, which is located in Colorado, that doesn't require the participants involved in the impaired program to maintain total abstinence during the monitoring agreement.

### **Online Core Curriculum and Ethics Curriculum Task Force (ECTF) Report and Recommendations:**

The Tennessee Massage Licensure Board's Law and Ethics Curriculum Task Force (ECTF) met on Monday April 4, 2016 at Arbor College in Knoxville, Tennessee and was comprised of Ed Bolden, Maj-Lis Nash, and Bill Mullins. The ECTF felt that concepts of ethical practice are of substantial importance for the massage and body work profession since the smallest misunderstanding can detrimentally impact the client and open the door to major ethical violations. Because ethics is such a significant component and pervades every client/therapist interaction, the Tennessee Massage Therapy Board, in its continued efforts toward public protection, charged the ECTF with the task of creating recommendations regarding programmatic guideline (curricular requirements) for approved massage schools in the State of Tennessee to use as a basis of the content for the regulated ten (10) hours of ethics education required for initial licensure. The ECTF made several recommendations and asked the board to adopt the recommendations in its totality each as the curricular requirements. After a brief discussion, Mr. Cross made a motion, seconded by Ms. Jaggars to approve the recommendations in its totality into policy. The motion carried.

The taskforce was additionally tasked with making recommendations to the board regarding the use of online and distance training in massage programs. The committee unanimously decided to recommend that the board move toward allowing, but not requiring massage schools to use online training in theory based classes such as anatomy, ethics, business, marketing, student

success, etc. The Task Force feels strongly that all hands on classes should be required to be live, in class. The ECTF also recommend that if the school is using technology that allows direct real-time video/audio streaming which allows immediate interaction, that the course should be considered live and not distance training. ECTF further recommends that if possible a policy be created to allow applicants from other states to qualify using distance training hours awarded by approved schools in other states. Ms. Cross made a motion, seconded by Ms. Easterly, to approve the ECTF's recommendation regarding Online Core Curriculum. Dr. Bolden stated that the Taskforce Online recommendations would be discussed in further detail at the August 2016 Board Meeting. Ms. Cross made a motion, seconded by Ms. Jagers requesting OGC to present a legal opinion regarding online and distance training at the August 8, 2016 Board Meeting. The motion carried.

### **Request for Continuing Education Waiver**

#### **Kimberly Belt, LMT**

Ms. Belt requested a waiver for six (6) continuing education hours for the 2015/2016 continuing education cycle due to financial reasons. Ms. Belt e-mailed a letter to the Board Administrative Office for the Board to review. The Board voiced their concerns regarding lack of documentation to support the claims in Ms. Belt's e-mail. After a discussion, Ms. Cross made a motion, seconded by Wray to approve Ms. Belt's waiver contingent upon her submitting proof to the Board Administrative Staff of her financial hardships that she addressed in her e-mail. The motion carried with Ms. Jagers and Ms. Easterly abstaining.

### **Discuss Intent of the Lapsed License Policy**

Mr. Guilford discussed the lapsed license policy with the Board. Mr. Guilford explained that the intent of the updated lapsed license policy that the Board adopted at the February 8, 2016 meeting was for applicants that submitted a reinstatement/reactivation form be immediately reinstated/reactivated upon meeting all requirements. If the applicant/establishment was found to be working/operating on a lapsed license then upon approval of the file a copy of the application would be sent over to BIV for a case to be pursued according to the lapsed license policy.

### **Rulemaking Hearing**

Mr. Bolden stated that he would be sending a letter to Andrea Huddleston, Chief Deputy, in the Office of General Counsel, admonishing the Department and requesting that a rule making hearing be set for the August 8, 9, 2016 Board meeting.

### **Discuss updated Criminal Conviction Policy**

The Board reviewed the current criminal conviction policy and discussed if they felt that every applicant with a misdemeanor conviction within five (5) years of application for a suspended

license, worthless check, or other minor convictions should be required to seek TnPAP services for a fit for duty evaluation. After a discussion, Ms. Cross made a motion, seconded by Ms. Wray to approve the policy to read: Notwithstanding the policy, on a case by case basis, the Administrative office, in consultation with the Office of General Counsel, can make exceptions. The motion carried.

**Ratify list of denials for applicants whose files were closed by TnPAP**

Mr. Guilford stated that it was his legal advice for the Board not to ratify the list of denials for massage therapist applicants, who failed to complete TnPAP requirements. Mr. Guilford stated that it was legally problematic to have automatic licensure denials since denials are reported. He passed out an updated policy for the Board to review. The policy essentially states that failure to adhere to TnPAP requirements is grounds for denial and the applicant would be requested to appear before the Board. Ms. Cross made motion, seconded by Ms. Jagers to approve the policy. The motion carried.

**Discuss licensees with previous continuing education discipline being audited in the following continuing education cycle**

The Board discussed requiring all licensees with previous continuing education violations being audited in the following continuing education cycle. After a brief discussion, Dr. Bolden appointed a task force to include, Ms. Kimberly Hodge, Ms. Cynthia Jagers, Ms. Rosemarie Otto, and Ms. Candace Newton to meet and create recommendations to be presented to the Board at a future Board meeting.

**Discuss scenarios to determine when/if an establishment license is required**

The Board briefly discussed scenarios to determine when/if an establishment license is required. After a brief discussion the Board recommended that establishment owners/responsible persons write a letter to the Board for the Board to determine on a case by case basis if an establishment license is needed.

**Discuss Mr. Velker's request for full disclosure regarding therapist and establishment application files**

Mr. Velker was not in attendance at the meeting. The Board decided to defer the topic until the August 8, 2016 Board meeting.

**Discuss cases referred to OGC for continuing education violations**

The Board discussed whether OGC should suspend a massage therapist license for a continuing education violation when the therapist is unresponsive to the agreed citation from the Board Administrative Office and a case is sent to OGC for discipline. After a discussion, the Board

recommended that therapist licenses be suspended when OGC proceeds in default in a contested case hearing or when a therapist has multiple cycles of deficiencies.

**Discuss and take action if needed regarding rulemaking hearing, rule amendments, and polices**

The Board took no action.

**Pilot program of the Massage Therapy Licensing Database (MTLD) for the Federation of State Massage Boards**

The Board decided to defer the topic until the August 8, 2016 Board meeting.

**Appoint staff and members to attend the FSMTB Annual Meeting**

Mr. Bolden requested that the Board designate three (3) Board members and staff to attend the 2016 Federation of State Massage Therapy Board Conference in Cleveland, OH. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray to appoint Ms. Burke as the Board delegate. The motion carried. Ms. Easterly made a motion, seconded by Ms. Jagers to send Ms. Cross and Ms. Wray to the meeting. The motion carried. Ms. Cross made a motion, seconded by Ms. Burke to send Kimberly Hodge, Board Manager, Mr. Marc Guilford, Board Attorney, and Ms. Rosemarie Otto, Director of Health Related Board, to the meeting. The motion carried. Ms. Cross made a motion, seconded by Ms. Burke to allow funding to send all Board Members and Board Staff to the FSMTB Conference. The motion carried. Ms. Burke made a motion; seconded by Ms. Easterly, to appoint Ms. Jagers as an alternative if Ms. Cross is unable to attend the meeting. The motion carried.

The meeting adjourned at 5:56 pm.

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**May 3, 2016**

Time: 9:00 a.m. C.S.T.

Location: 665 Main Stream Drive  
HRB Conference Center  
1<sup>st</sup> Floor, Iris Room  
Nashville, TN 37243

Members Present: Ed Bolden, LMT Chairperson  
Cynthia Jagers, LMT,  
Marvis Burke, LMT, Secretary  
Julie J. Wray, LMT  
Christi Cross, Citizen Member  
Bethann Easterly, LMT

Members Absent: Michael Velker, Citizen Member

Staff Present: Lisa Lampley, Board Director  
Kimberly Hodge, Board Manager  
Dale Hill, Board Administrator  
Marc Guilford, Office of General Counsel

The meeting was called to order at 9:15 a.m. by Dr. Ed Bolden, Board Chairperson. Dr. Bolden welcomed everyone to the meeting and encouraged the students to attend the Board meetings and become an active part of the massage and bodywork profession. Dr. Bolden said the reason the Board exists is to protect the health, welfare and safety of the citizens of the state of Tennessee. Prior to conducting business, Lisa Lampley conducted a roll call to establish a quorum. A quorum was present.

**Contested Case Hearings**

**Yajun Shi, LMT - 9097**

Ms. Francine Baca-Chavez, Deputy General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Elizabeth Cameron. Ms. Shi was present and waived her rights to have an attorney present for her contested case hearing. The Office of General Counsel provided an interpreter from the Tennessee Foreign Language Institute for hearing. The interpreter, Ms. Jiao Hoggard, translated all information to and for Ms. Shi regarding her case.

Ms. Yajun Shi, license # 9097, was engaged in the act of prostitution between October 10, 2014 and October 16, 2014. She pled guilty in the Criminal Circuit Court for Williamson County to two counts of prostitution, a violation of T.C.A 39-13-513, which is a class B misdemeanor. Ms.

Shi was placed on judicial diversion and sentenced to six months supervised probation for each count. The sentence was to be served consecutively. Ms. Baca-Chavez presented a sworn affidavit from Kimberly Hodge, Board Manager, and certified court documents from the Williamson County court regarding Ms. Shi guilty plea to the charges of prostitution. Ms. Shi testified that she only pled guilty to the charges and accepted the deal per the advisement of her attorney. She stated that she hadn't done all the things the charges alleged she had done.

After a discussion and review, the Board found that Ms. Shi had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Cross made a motion, seconded by Ms. Burke, to adopt the proposed order and revoke Ms. Shi's massage therapist license based upon her violating T.C.A 63-18-108(7)(12) and 0870-01-19(1). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00). The motion carried and Ms. Shi's massage therapist license was revoked.

### **Proposed Orders**

#### **Qingsong Tang, LMT - 9142**

Ms. Francine Baca-Chavez, Deputy General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Elizabeth Cameron. Ms. Tang was not present for the contested case hearing. Mr. Cross made a motion, seconded by Ms. Wray, to proceed in default with the hearing in Ms. Tang's absence. Ms. Baca-Chavez presented a sworn affidavit from Kimberly Hodge, Board Manager, and Ashley Fine, Paralegal for the Office of General Counsel, regarding Ms. Tang's massage licensure and continuing education audit.

Ms. Tang failed to obtain seventeen (17) of the required prorated approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Tang had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Tang's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Wray, to amend # 10 and #14 of the order to read that Ms. Tang's license shall be suspended beginning the effective date of the order. The motion carried. Ms. Cross made a motion, seconded by Ms. Easterly, to approve the proposed order as amended. The motion carried.

Ms. Tang's massage license was suspended. She was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and seventeen (17) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand One Hundred Fifty Dollars (\$1,150.00). Ms. Tang was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00. She was also required to make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle. Upon completion of all hours, Ms. Tang's license shall remain on probation until all civil penalties and cost are paid in full.

#### **Shavondra V. Williams - 4161**

Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Elizabeth Cameron. Ms. Williams

was not present or represented by an attorney. Mr. Cross made a motion, seconded by Ms. Burke, to proceed in default with the hearing in Ms. Williams's absence. The motion carried. Mr. Guilford presented a sworn affidavit from Kimberly Hodge, Board Manager, regarding Ms. Tang's massage licensure and continuing education audit.

Ms. Williams failed to obtain twenty-one (21) of the required approved hours of continuing education in the 2007-2008 continuing education cycle, and the required two (2) hours of Tennessee law in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Williams had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Williams's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Easterly, to approve the proposed order as written. The motion carried.

Ms. Williams's massage license was suspended. She was assessed two (2) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) each and twenty-three (23) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Seven Hundred Fifty Dollars (\$1,750.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars \$3,000.00. Ms. Williams was also required to make up all continuing education hours and penalty hours for the 2007-2008 and 2011-2012 continuing education cycles. Upon completion of all hours, Ms. Williams's license shall remain on probation until all civil penalties and cost are paid in full.

#### **Guoku Hu, L.M.T. – 7509 / Capital Chinese Foot Spa – 3410**

Francine Baca-Chavez, Deputy General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Elizabeth Cameron. Mr. Hu was not present for the contested case hearing. Mr. Cross made a motion, seconded by Ms. Burke, to proceed in default with the hearing in Mr. Hu's absence. Ms. Baca-Chavez presented a sworn affidavit from Kimberly Hodge, Board Manager, and Ashley Fine, Paralegal for the Office of General Counsel, regarding Mr. Hu's massage licensure as it pertained to his case.

Ms. Baca-Chavez presented and discussed the proposed final order for Guoku Hu. Mr. Hu was licensed by the Board as a Massage Therapist on March 16, 2009. Mr. Hu owned and operated Capital Chinese Foot Spa located at 4149 Mallory Lane Suite A, Franklin, TN 37067. Mr. Hu pled guilty and was convicted trafficking for a commercial sex act in a school zone, a class A felony, trafficking for commercial sex, a class B felony, and money laundering, a class B felony, in Williamson County, TN. The Stipulations of Fact above establish that Mr. Hu has violated T.C.A 63-18-108(2)(7)(12), TENN COMP. R. & REGS 0870-01-.02(1), and 0870-.01-.19(1).

After a discussion and review, the Board found that Mr. Hu had violated the Tennessee Massage Licensure Board statutes and regulations. Mr. Hu's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to amend the policy statement of the order to read that Mr. Hu should not be permitted to hold a Tennessee massage therapist license or a establishment license. The motion carried. Ms. Cross made a motion, seconded by Ms. Burke, to

approve the proposed order as amended. The motion carried. Mr. Hu's massage therapist license was revoked, and the establishment license for Capital Chinese Foot Spa was revoked. He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Five Thousand Dollars (\$5,000.00).

### **Agreed Citation**

#### **Janice C. Allen, LMT - 3785**

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the Agreed Citation for Janice C. Allen. Ms. Allen agreed to pay civil penalties in the amount of \$625.00 for failing to obtain nineteen (19) hours of continuing education during the 2013/2014 continuing education cycle. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the agreed citation as written. The motion carried. Ms. Allen is required to make up all continuing education hours and penalty hours for the 2013-2014 continuing education cycle.

### **Petition to Reconsider Final Order**

Marc Guilford, Assistant General Counsel, presented and discussed Jie Prater's petition to the Board to reconsider the Final Order of her case from the February 9, 2016 Board Meeting. Ms. Prater appeared before the Board seeking reactivation of her expired establishment license for Chinatown Massage Therapy and Foot Care Center. At the February 9, 2016 meeting, the Board denied Ms. Prater's massage establishment reactivation application and took disciplinary action against Ms. Prater without due notice. Ms. Prater petitioned the Board to consider eliminating all civil penalties and reporting to the National Practitioner Data Bank (NPDB). After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray, to amend the final order by striking paragraph 14, which would eliminate the assessed civil penalties totaling Five Thousand Dollars (\$5,000.00). The motion also amended paragraph 15 to change the word will to may be reported to the National Practitioner Data Bank (NPDB) and/or similar agency. The motion carried, and the order was amended with the above changes.

### **Discussion**

Dr. Bolden acknowledged and thanked the Administrative Staff and the Office of General Counsel for everyone's hard work and service to the Board.

The meeting was adjourned.