

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**February 9, 2015**

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  
Michael Velker, Citizen Member  
Bethann Easterly, LMT

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

The meeting was called to order at 9:17 a.m. by Mr. Ed Bolden, Board Chairperson. Mr. Bolden welcomed everyone to the meeting and encouraged the students to attend the Board meetings and become an active part of the massage and body work profession. Mr. 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 October 27-28, 2014 minutes, Ms. Cross made a motion, seconded by Ms. Jagers, to approve the minutes as written. The motion carried.

**Required appearance of newly approved Tennessee Massage School's Program Directors**

Mr. Bolden stated the program documentation and course curriculum for Concord Career College was reviewed by himself and Ms. Burke. With no questions, Mr. Bolden thanked Concord Career College for attending the meeting.

**Applicant Interviews**

### **Yufeng Liu, LMT**

The Board reviewed the establishment application for Yufeng Liu, a licensed massage therapist who applied for an establishment license for the Oriental Massage Center in Franklin, TN. The Tennessee Massage Board administrative office provided an interpreter from the Tennessee Foreign Language Institute for interview. The interpreter, Ms. Elizabeth Huang, translated the Board's questions and concerns regarding Ms. Liu's licensure application that she submitted for a Massage Establishment in Tennessee. Mr. Bolden said Ms. Lampley called the Oriental Massage Center on January 16, 2015 at 3:00 p.m. and was able to make an appointment for a massage for January 17, 2015. Ms. Lampley was told the establishment was open from 9:30 a.m. to 10:00 p.m. Upon discussion it was determined that Ms. Liu is currently working at the establishment and that the current owner is a licensed massage therapist but has no establishment license and no contract has been signed. Ms. Hodge stated that Mr. Hu is the current owner but that Ms. Liu has filed an application to be the new owner. Mr. Velker said the application indicates that Ms. Liu has applied for the establishment license, not that she is the current owner. Mr. Velker made a motion, seconded by Ms. Easterly, to approve the establishment for licensure. The motion carried.

### **Guoku Hu, LMT**

The Board reviewed the establishment application for Guoku Hu, of AA Foot Spa in Nashville, TN. Mr. Hu was asked to attend the meeting as his application was initially denied by the Applicant Review Committee because the establishment has been in operation before being approved for an establishment license. Mr. Guilford stated that at the committee meeting Mr. Hu asked to have his application withdrawn. The committee denied his requested based on the evidence in his application and asked him to attend the Board meeting. The Tennessee Massage Board administrative office provided an interpreter from the Tennessee Foreign Language Institute for interview. The interpreter, Ms. Elizabeth Huang, translated the Board's questions and concerns regarding Mr. Hu's licensure application that he submitted for a Massage Establishment in Tennessee. Mr. Hu stated that the establishment had not been open for business. Mr. Guilford discussed the ownership of proceeds disclosure form which indicates that Mr. Hu has had an ownership interest in the establishment as of October 2014. Mr. Hu said he is working in Franklin at Capitol Chinese Foot Spa. Mr. Guilford said according to the web site of Capitol Chinese Foot Spa Mr. Hu is the owner. Ms. Cross made a motion, seconded by Ms. Wray, to deny Mr. Hu's application pursuant to T.C.A. 63-18-108, which finds the applicant guilty of fraud in the practice of massage or in the licensee's admission to the practice of massage. The motion carried.

With no other applicants needing an interpreter, Mr. Guilford thanked Ms. Huang for her attendance. Ms. Cross made a motion, seconded by Ms. Jagers, to proceed with the remaining applications. The motion carried.

### **Li Hui Guo, LMT**

The Board reviewed the massage therapist application of Li Hui Guo. Ms. Guo is not present, but was asked to attend the meeting because the Applicant Review Committee recommended that her application be denied on the basis that information contained in her application indicated that she worked from June 20, 2014 to January 2015 as a massage therapist in Chattanooga, TN.

The committee said there were additional deficiencies and discrepancies in her letters of recommendations. Ms. Cross made a motion, seconded by Ms. Wray, to deny Ms. Guo's application pursuant to T.C.A. 63-18-108, which finds the applicant guilty of fraud in the practice of massage and the licensee's admission to the practice of massage. The motion carried.

### **Dong Mei Ni, LMT**

The Board reviewed the establishment application of Dong Mei Ni for Hickory Day Spa. Ms. Ni was asked to appear before the Board by the Applicant Review Committee. Mr. Guilford reviewed the application with the Board stating they had an advertisement showing that an establishment with that name was opened in November and that an employee from the department called the establishment and was told they were open for business. Ms. Ni appeared before the committee and denied the establishment was open. Since that time, there was news that the Nashville Police Department had made some arrests at this establishment and the names reported in the news were not licensed massage therapists. Ms. Cross made a motion, seconded by Mr. Velker, to deny Ms. Ni's application pursuant to T.C.A. 63-17-107 and 108, which finds the applicant guilty of fraud in the practice of massage and violation of provisions in this chapter. The motion carried.

### **Nannan Chen**

The Board reviewed the massage therapist application of Nannan Chen. Mr. Chen was asked to appear before the Board because of inconsistencies in his application, specifically the school he attended. Mr. Guilford said the California Massage Therapy Council determined the school is unapproved and, therefore, does not meet the statutory requirements for licensure in Tennessee. Ms. Cross made a motion, seconded by Ms. Burke, to deny Mr. Chen's application as he did not complete his education at an approved school. The motion carried.

### **Leah Nicole Dee**

The Board reviewed the massage therapist application of Leah Nicole Dee. Ms. Dee appeared before the Board to discuss her transcript in her application. Mr. Bolden said it appears the school is being uncooperative in issuing a proper transcript including the names of courses, grades and graduation date. Mr. Bolden said he contacted the school several times with no response. Ms. Dee said she has contacted the school and was informed this was the only transcript that could be provided. Ms. Hodge said the file will remain open for a year. Mr. Bolden said he would contact the school again regarding the documents needed for an approved and acceptable transcript.

### **Elizabeth Hailey**

The Board reviewed the massage therapist application of Elizabeth Hailey. Ms. Hailey is appearing before the Board to discuss a 2013 driving under the influence charge in which she pled guilty. Ms. Hailey was referred to Lighthouse Professional Services for a fitness for duty assessment. Ms. Smithson, owner of Lighthouse Professional Services submitted a letter to the Board recommending Ms. Hailey for licensure. Ms. Cross made a motion, seconded by Mr. Velker, to approve Ms. Hailey for licensure. The motion carried.

### **Tammy Keffas, LMT**

The Board reviewed the establishment application of Tammy Keffas, for Bodyworks Massage Therapy. Ms. Keffas appeared before the Board to discuss her application which indicates she was operating a massage therapist establishment without a license from January 2014 through August 2014. Ms. Keffas was issued an Agreed Citation dated September 3, 2014 by the Massage Administrative Office. Ms. Keffas said the establishment is now closed. Ms. Cross stated the Agreed Citation has not been paid. Ms. Hodge said the Board has granted licenses, or conditional licenses, without meeting the requirements of the citation. Mr. Guildford said the Board can grant Ms. Keffas a license once the amount is paid or issue her a conditional license and give her a length of time to pay the citation. Ms. Keffas said she could pay a monthly fee or pay the \$2,100 in six months. Ms. Guildford said if the Board grants her a conditional license it will be handled by the Disciplinary Coordinator, Ms. Dorroh. Ms. Cross stated she personally objected to granting a conditional license with an outstanding fee owed on an Agreed Citation. Mr. Velker said he would like for her application to remain open until the citation is paid. Ms. Way made a motion, seconded by Ms. Easterly, to grant Ms. Keefas an establishment license upon full payment of the Agreed Citation. Ms. Burke opposed. The motion carried.

**Financial Report**

Ms. Tittle stated she wanted to discuss the June 30, 2014 Financial Report with the Board, fee decreases, and the reinstatement of establishment inspections. Ms. Tittle reviewed the report stating salary and benefits are for the support staff for the Board and includes per diem for Board members attending Board meetings and other Board business. Ms. Tittle said Investigations and the Office of General Counsel keep time records for any Board or committee. The Board has expenditures of \$535,449.91 for FY 2014; revenue of \$718,936.25; current year net of \$183,486.34; and a cumulative carryover of \$986,334.97. Mr. Velker stated that the Board decided to go from a 100% to a 50% review which will reduce civil penalties. Mr. Bolden stated that the Board’s legal fees would be increasing by a substantial amount this year due to additional attorneys helping work cases.

Ms. Tittle said she was informed by Ms. Lampley that the Board appointed a Task Force to discuss reinstating establishment inspections. The Task Force reviewed the 2011 contract at which time they were inspecting 25% of current establishments, 100% on establishments with address changes and 100% of new establishments. Ms. Tittle suggested that the Board table fee increases, reinstating establishment inspections, and a decrease in civil penalties until the next meeting to see what you have in revenue for Fiscal Year June 30, 2015.

**Administrator/Directors Report**

As of December 31, 2014 there were 4258 licensed massage therapists and 1633 licensed massage establishments.

Following is the license status since the last meeting:

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>October 2014</b>	<b>October 2014</b>
Newly Licensed – 39	Newly Licensed – 17
Reinstate Applications – 10	Reinstate Applications – 2

Retired- 30	Retired – 14
New Applications- 27	New Applications- 20

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>November 2014</b>	<b>November 2014</b>
Newly Licensed – 43	Newly Licensed – 28
Reinstate Applications – 12	Reinstate Applications - 3
Retired- 29	Retired – 13
New Applications- 44	New Applications- 23

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>December 2014</b>	<b>December 2014</b>
Newly Licensed – 17	Newly Licensed – 22
Reinstate Applications – 11	Reinstate Applications- 3
Retired- 49	Retired- 10
New Applications- 25	New Applications- 25

From October, 2014 through December, 2014 there were 99 newly licensed massage therapists, 33 reinstated, 108 retired and 96 new applications. There were 67 newly licensed establishments, 8 reinstated, 37 retired and 68 new applications.

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

Ms. Dorroh, disciplinary coordinator, reported the Board currently has 143 complaints in OGC. Ninety percent (90%) of those complaints are continuing education. The next review is scheduled for March 19, 2015 and they hope to process many of those cases. There are four (4) cases currently in the field being investigated and four (4) pending second review. Ms. Dorroh reviewed the summary of practitioners being monitored in OGC.

### **Continuing Education Report**

Ms. Hodge stated from January 2014 to June 2014 the compliance unit audited a total of 807 massage therapists. Of the massage therapists audited 619 were compliant (77%) and 188 were non-compliant (23%). One hundred and eleven (111) licensees were deficient and required continuing education hours. Seventy-seven (77) failed to contact the compliance unit or submit documentation.

### **Quarterly Report- Christina Novello**

Ms. Lampley reviewed the quarterly report from **Christina Novello**, dated November 5, 2014, in which Ms. Novella stated that she began working in October 2014 at Massage Envy in Knoxville, TN and has taken her first continuing education course in learning Thai Yoga massage.

Ms. Lampley reviewed the quarterly report from Ms. Novella, dated February 2, 2015, in which she stated she is still employed at Massage Envy, is currently seeing Dr. Tull, is happy with her career, and her life has changed for the better.

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

Mr. Guilford stated there are currently 110 open cases in OGC. Mr. Guilford proposed that this number should rise dramatically by the next meeting as they receive cases from investigation, mainly pertaining to continuing education. Mr. Guilford is currently working internally on the rulemaking packet that the Board has previously discussed and hopes to complete the packet with the decisions made at the current meeting. He was not aware of any bills that directly impacted the Massage Board, but said there are a number of bills that could change how rules are drafted which apply to everyone.

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

Ms. Cross made a motion, seconded by Ms. Burke, to approve the lists of Agreed Citations for lapsed licenses and continuing education violations.

#### **Katrina Farber, Owner, Saille Healing Path**

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

#### **Svetlana Creech-Rybolovleva, LMT**

Ms. Rybolovleva 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

#### **Angela Lynn Ryan, LMT**

Ms. Ryan agreed to pay a civil penalty in the amount of \$1,600.00 for practicing massage therapy on a lapsed license for nineteen (19) months. The motion carried

#### **Melinda Kathleen Sutton, LMT**

Ms. Sutton agreed to pay a civil penalty in the amount of \$700.00 for practicing massage therapy on a lapsed license for ten (5) months. The motion carried

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

Upon review by the Board, a motion was made by Ms. Cross, seconded by Ms. Burke, to ratify the following Agreed Citations:

#### **Maria Ann Becker, LMT**

Ms. Becker agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle

Christina Jo Beniot, LMT

Ms. Beniot 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.

Elizabeth Anne Bosch, LMT

Ms. Bosch agreed to pay civil penalties in the amount of \$375.00 for failing to obtain nine (9) hours of continuing education during the 2011/2012 continuing education cycle.

Charles Anthony Burrell, LMT

Mr. Burrell agreed to pay civil penalties in the amount of \$700.00 for failing to obtain twenty-two (22) hours of continuing education during the 2011/2012 continuing education cycle.

Amethyst C. Camacho, LMT

Ms. Camacho agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Terence Antonio Carter, LMT

Mr. Carter agreed to pay civil penalties in the amount of \$625.00 for failing to obtain nineteen (19) hours of continuing education during the 2011/2012 continuing education cycle.

Whitney Elyse Collins, LMT

Ms. Collins agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Chasiti Nichole Conroy, LMT

Ms. Conroy agreed to pay civil penalties in the amount of \$275.00 for failing to obtain five (5) hours of continuing education during the 2011/2012 continuing education cycle.

Augusta M. Davis, LMT

Ms. Davis agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Susan Christina Davis, LMT

Ms. Davis agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4)

hours of continuing education during the 2011/2012 continuing education cycle.

Astrid Jean Dees, LMT

Ms. Dees agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Gretchen Lynn Deveirman, LMT

Ms. Deveirman agreed to pay civil penalties in the amount of \$375.00 for failing to obtain nine (9) hours of continuing education during the 2011/2012 continuing education cycle.

Beth Ann Dosser, LMT

Ms. Dosser agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Tina Joann Driver, LMT

Ms. Driver agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Justin David East, LMT

Mr. East agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Elizabeth Ann Eaton, LMT

Ms. Eaton agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Ross Genovese, LMT

Mr. Genovese agreed to pay civil penalties in the amount of \$700.00 for failing to obtain twenty-two (22) hours of continuing education during the 2011/2012 continuing education cycle.

Lydia Dee Gilchrist, LMT

Ms. Gilchrist agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2011/2012 continuing education cycle.

Ki Ran Han, LMT

Ms. Han agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Christopher Dewayne Jones, LMT

Mr. Jones agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Ann Marie Joyce, LMT

Ms. Joyce agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Gregory Michael Kazmierski, LMT

Ms. Kazmierski agreed to pay civil penalties in the amount of \$475.00 for failing to obtain thirteen (13) hours of continuing education during the 2011/2012 continuing education cycle.

Cynthia Leigh Leslie, LMT

Mr. Leslie agreed to pay civil penalties in the amount of \$450.00 for failing to obtain twelve (12) hours of continuing education during the 2011/2012 continuing education cycle.

Nan Li, LMT

Ms. Li agreed to pay civil penalties in the amount of \$350.00 for failing to obtain eight (8) hours of continuing education during the 2011/2012 continuing education cycle.

Min Liu, LMT

Ms. Liu agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

John Park Lord, LMT

Mr. Lord agreed to pay civil penalties in the amount of \$550.00 for failing to obtain sixteen (16) hours of continuing education during the 2011/2012 continuing education cycle.

Guangtao Lu, LMT

Mr. Lu agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Emily Lucianne Mack-Mahe, LMT

Ms. Mack-Mahe agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Ila Michelle Massey, LMT

Ms. Massey agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Marica Renee Matthews, LMT

Ms. Matthews agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Nikia Shaun'ta McLean, LMT

Ms. Mclean agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Rahnesa Dehai Nelson, LMT

Ms. Nelson agreed to pay civil penalties in the amount of \$325.00 for failing to obtain seven (7) hours of continuing education during the 2011/2012 continuing education cycle.

David Alan Patterson, LMT

Mr. Patterson agreed to pay civil penalties in the amount of \$300.00 for failing to obtain six (6) hours of continuing education during the 2011/2012 continuing education cycle.

Jessica Shantay Peterson, LMT

Ms. Peterson agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2011/2012 continuing education cycle.

Michelle J. Rains, LMT

Ms. Rains agreed to pay civil penalties in the amount of \$300.00 for failing to obtain six (6) hours of continuing education during the 2011/2012 continuing education cycle.

Jacqueline Eugenia Richmond, LMT

Ms. Richmond agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Kelly Jean Roberts, LMT

Ms. Roberts 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.

Mary Kathryn Roberts, LMT

Ms. Roberts agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2011/2012 continuing education cycle.

Cammie L. Sells, LMT

Ms. Sells agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2011/2012 continuing education cycle.

Cynthia Jean Taylor, LMT

Ms. Taylor agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2011/2012 continuing education cycle.

Leah Kay Sharp, LMT

Ms. Sharp agreed to pay civil penalties in the amount of \$450.00 for failing to obtain twelve (12) hours of continuing education during the 2011/2012 continuing education cycle.

Myracle Lynnise Thompson, LMT

Ms. Thompson agreed to pay civil penalties in the amount of \$600.00 for failing to obtain eighteen (18) hours of continuing education during the 2011/2012 continuing education cycle.

Ann Kimberly Trammell, LMT

Ms. Trammell agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Camille Maria Wade, LMT

Ms. Wade agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Lucinda Wagner, LMT

Ms. Wagner agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Minyang Wang, LMT

Mr. Wang agreed to pay civil penalties in the amount of \$275.00 for failing to obtain five (5) hours of continuing education during the 2011/2012 continuing education cycle.

Clachette Westmoreland, LMT

Ms. Westmoreland agreed to pay civil penalties in the amount of \$675.00 for failing to obtain

twenty-one (21) hours of continuing education during the 2011/2012 continuing education cycle.

Shannon L. Wise, LMT

Ms. Wise agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Xiagang Zhang, LMT

Mr. Zhang agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Ling Zhong, LMT

Ms. Zhong agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Elaine Joy Ziemba, LMT

Ms. Ziemba agreed to pay civil penalties in the amount of \$300.00 for failing to obtain six (6) hours of continuing education during the 2011/2012 continuing education cycle.

The motion carried

**Ratifications**

Ms. Cross made a motion, seconded by Ms. Burke, to approve the lists of ratifications for initial and re-instatements for massage therapist and massage establishments. The ratification included all initially approved and approved conditional licenses from the January 15, 2015 Application Review Committee. The motion carried. Please see attached list.

**Request for Continuing Education Waivers**

**Stella Maris Bonnagin, LMT**

Ms. Bonnigan requested a waiver of two (2) continuing education hours for 2011/2012, in ethics due to an oversight. Ms. Wray made a motion, seconded by Ms. Burke, to deny Ms. Bonnigan's request. The motion carried.

**Brandy Raquel Canada, LMT**

Ms. Canada requested a waiver of two (2) continuing education hours for 2011/2012 in law and twenty (25) hours of continuing education for 2013/2014 due to financial hardship. Ms. Canaday stated she had moved out of state and upon returning had to reinstate her license. Ms. Hodge stated that twenty (20) hours were required to reinstate her license. Ms. Cross made a motion, seconded by Ms. Jagers, to deny Ms. Canada's request. The motion carried.

**Teresa Elrod, LMT**

Ms. Elroy requested a waiver of twenty-five (25) continuing education hours for 2012/2012, including ethics and law, due to medical and family issues. Ms. Cross made a motion, seconded by Ms. Wray, to deny Ms. Elrod's request. The motion carried.

**Lavanessa Fikes, LMT**

Ms. Fikes requested a waiver of twenty-five (25) continuing education hours for 2011/2012 and 2013/2014, including ethics and law, due to medical problems. Ms. Fikes had a kidney failure in 2011 and a transplant in 2013 and is unable to work. Ms. Cross made a motion, seconded by Ms. Burke, to approve Ms. Fikes request. The motion carried.

**Paul Harper, LMT**

Mr. Harper requested a waiver of twenty (20) continuing education hours for 2011/2012 as he is unable to find his documentation in a move. Ms. Hodge stated she tried to contact Mr. Harper's provider as well but was unable. Ms. Easterly made a motion, seconded by Ms. Wray, to approve Mr. Harper's request. The motion carried.

**Davita Hungate, LMT**

Ms. Hungate requested a waiver of continuing education hours for 2011/2012 and 2013/2014 and was deferred from the October meeting to allow her an opportunity get additional documentation of her compliance. Ms. Hodge gave the Board additional information for Ms. Hungate's hours. Ms. Hungate stated she had been through a hardship and the Board gave her the opportunity to try to make up those hours. Mr. Velker made a motion, seconded by Ms. Easterly, to approve the hours Ms. Hungate obtained and consider her compliant with continuing education for 2011/2012 and 2013/2014. The motion carried with Ms. Cross opposed.

**Heather Hunnicut, LMT**

Ms. Hunnicut requested a waiver of twenty-five (25) continuing education hours for 2013/2014 due to financial reasons. Ms. Cross made a motion, seconded by Ms. Burke, to deny Ms. Hunnicut's request. The motion carried.

**Elizabeth Walker, LMT**

Ms. Walker requested a waiver of twenty-two (22) continuing education hours for 2013/2014. Ms. Cross made a motion, seconded by Mr. Velker, to deny Ms. Walker's request. The motion carried.

**David Earl Jones, LMT**

Mr. Jones requested a waiver of six (6) continuing education hours for 2011/2012, including law.

Mr. Jones was non-compliant in 2009/2010 audit and received his Agreed Citation in 2013. Ms. Cross made a motion, seconded by Ms. Burke, to deny Mr. Jones request. The motion carried.

**Colleen Mahan, LMT**

Ms. Mahan requested a waiver of seventeen (17) continuing education hours for 2013/2014 due to an injury. Ms. Mahan was licensed in 2011/2012 and will not be audited for her 2011/2012 continuing education hours. Ms. Cross made a motion, seconded by Mr. Velker, to deny her request for a waiver for 2011/2012 and 2013/2014. The motion carried.

**Teresa Annette Paul, LMT**

Ms. Paul requested a waiver for twenty-five (25) continuing education hours for the 2011/2012 continuing education cycle due to family medical reasons. After a brief explanation at the October 27, 2014 meeting, Mr. Velker made a motion; seconded by Ms. Wray, to defer the waiver request until the February 2015 Board meeting to allow Ms. Paul time to submit documentation showing proof that she completed her 2013/2014 continuing education cycle. As of the February 4, 2015 meeting, Ms. Paul hadn't submitted any additional information. Mr. Velker made a motion, seconded by Ms. Cross to deny her waiver request. The motion carried

**Heather J. Sing-Turner, LMT**

Ms. Sing-Turner requested a waiver of twenty-one (21) continuing education hours for 2013/2014 due to financial reasons. Ms. Cross made a motion, seconded by Mr. Velker, to deny Ms. Sing-Turner's waiver request. The motion carried.

**Wanda Spears, LMT**

Ms. Spears requested a waiver of twenty-five (25) continuing education hours for 2013/2014 including ethics and law, due to medical problems. Mr. Velker made a motion, seconded by Ms. Burke, to deny Ms. Spears waiver request. The motion carried.

**Eugene Howard Tate, LMT**

Mr. Tate requested a waiver of twenty-five (25) continuing education hours for 2011/2012, including ethics and law. Mr. Tate stated that he hadn't been practicing as a massage therapist. Ms. Cross made a motion, seconded by Mr. Velker, to deny Mr. Tate's waiver request. The motion carried.

**Gretchen S. Winbigler, LMT**

Ms. Winbigler requested a waiver of four (4) continuing education hours for 2011/2012, including law and ethics. Ms. Winbigler stated that she her deficiency was due to oversight. Mr. Ms. Cross made a motion, seconded by Ms. Wray, to deny Ms. Winbigler's waiver request. The motion carried with Mr. Velker opposed.

### **Approved Continuing Education Courses**

Ms. Cross made a motion, seconded by Mr. Velker, to approve the following continuing education courses. Mr. Bolden and Ms. Burke didn't participate in the discussion or the vote. The motion carried.

1. "Tennessee Law" –2 hrs. – Vicki Sutherland, LMT – **TN010215-01**
2. "Tennessee Law" –2 hrs. – Dee Edra Vickers, LMT – **TN010215-02**
3. "Tennessee Law (Live Webinar)" – 2 hrs. – Dee Edra Vickers, LMT – **TN010215-03**
4. "Tennessee Massage Law" – 2 hrs. – Dr. Ed D. Bolden, LMT – **TN010215-04**
5. "Tennessee Massage Law" – 2 hrs. – Lora A. Williams, LMT – **TN010215-05**
6. "Tennessee State Rules & Regulations" – 2 hrs. – George Sampsel – **TN011615-06**
7. "Tennessee Massage Law & Rules" – 2 hrs. – Karen Craig, LMT – **TN011615-07**
8. "Tennessee Massage Rules & Law" – 2 hrs. – Marvis Burke, LMT – **TN011615-08**
9. "Tennessee Massage Law (Live Webinar)" –2 hrs. – Charles West, LMT – **TN012815-09**
10. "Reiki 1" – 10 hrs. – Silke Tyler – **TN020515-10**
11. "Reiki 2" – 11 hrs. – Silke Tyler – **TN020515-11**

### **Review approval request from Continuing Education Providers**

#### **Kelly Dercheid, LMT – "Tennessee Law"**

Ms. Dercheid requested approval from the Board to be a Tennessee Law continuing education provider for Savanna Bell's My Massage Works. Ms. Dercheid was disciplined by the Massage Board in 2014 for owning and operating a Massage Establishment without an establishment license. The Board voiced their concerns regarding Ms. Dercheid's ethical integrity to adhere to and teach the Massage Board's laws and rules. Mr. Velker made a motion, seconded by Ms. Cross to deny Ms. Dercheid's request for approval as a Tennessee Law Provider. The motion carried.

#### **Fayelynn G. Latour, LMT – "Mastering Basic Massage to Improve Quality of Touch"**

Ms. Latour requested approval from the Board to be a Tennessee approved continuing education provider. Ms. Latour received a consent order from the Office of General Counsel for being deficient in her 2009/2010 continuing education cycle for one (1) hour. The Board also voiced their concerns with Ms. Latour's therapist license being expired and her class being offered in

three (3) separate formats. After a discussion, Mr. Velker made a motion to defer the Board's decision to the May 4, 2015 meeting to allow Ms. Latour and opportunity to submit additional information regarding the format and structure of her class. Ms. Wray seconded the motion and the motion carried.

### **ChiaHung Shen, LMT – “Authentic Chinese Acupressure I & II, Chair Acupressure I & II, Tai Ji Quan and QiGong I**

Mr. Shen requested approval from the Board to be a Tennessee approved continuing education provider. Mr. Shen received an agreed citation for being deficient two (2) hours in his 2009/2010 continuing education cycle. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Wray to approve Mr. Shen's request to be an approved Tennessee continuing education provider. The motion carried with Ms. Cross opposed.

### **Board Correspondences**

#### **Federation of State Massage Therapy Boards – Ms. Debra Persinger**

Ms. Debra Persinger, PhD, Executive Director of the FSMTB, sent a letter to Governor Haslam thanking him for his support in public protection and acknowledging the important role of the Tennessee Massage Licensure Board. Ms. Persinger also acknowledged and praised Mr. Bolden's role in contributing to the protection and standards of Massage Therapist in Tennessee as well as nationally. No action was taken by the Board.

#### **Bodyworks School of Massage – Robin Ferrell, LMT Kinesio Taping**

Ms. Ferrell requested that the Board determine if Kinesio Taping is within the scope of practice for Tennessee Massage Therapist. Dr. Derek Myers had agreed to teach Kinesio taping as a continuing education course at Bodyworks School of Massage. Upon a brief discussion, the Board determined that they would need to review the class to determine if it would be within the scope of practice. No further action was taken by the Board.

#### **Maj-Lis Nash, LMT – Continuing Education for Re-instatement**

Ms. Nash requested that the Board review rule 0870-01-12(6)(a) regarding continuing education for re-instating a massage therapist license and the twenty five (25) hours required for the continuing education cycle once the therapist's license has been re-instated. Ms. Nash requested that the twenty-five (25) hours required for the continuing education cycle be prorated over the remaining months of the two (2) year cycle in which the therapist's license was re-instated. After a discussion, the Board concluded that a proration would require a rule change.

#### **Changes for the Rule Making Hearing for Rule 0870-01 and 0870-02**

- 1. Rule 0870-02-02(3)(b)** – Mr. Bolden requested that the discussion regarding this rule be postponed until after the Tennessee Law Task Force report was given.

2. **Rule 0870-02-02(3)(d)** – Ms. Cross made a motion seconded by Ms. Wray to strike allowing a two (2) hour power point video and to change the wording of the rule to read “that each program shall ensure that each graduating class shall have received a minimum of two (2) hours of classroom presentation prior to graduation by an employee of the impaired professional assistance program contracted by the Board. The motion also included that the revised rule require that the impaired professional assistance program visit every graduating class at each approved Tennessee Massage school every year. The motion carried.
3. **Rule 0870-02-02(2)(b)** – Mr. Velker made a motion, seconded by Ms. Easterly to add the language “may be waived” regarding the requirement for program directors to appear before the Board as part of the initial approval process. The motion carried.
4. **Rule 0870-02-02(3)(e)** – Ms. Easterly made a motion, seconded by Mr. Velker to require that every program must document that each student has signed and dated an acknowledgement that they understand the requirements for licensure, specifically the provisions regarding criminal convictions, upon enrollment to the program. The motion carried.
5. **Fee Reduction** – Ms. Cross made a motion, seconded by Ms. Jagers to table the discussion regarding fee reduction. The motion carried.
6. **0870-02-02(8)(2)** – Ms. Cross made a motion, seconded by Ms. Burke to strike the fee section of the rules regarding applications. The motion carried.

Mr. Guilford clarified that the statute requires a remedial plan for Tennessee Massage Schools that are unable to maintain a seventy (70%) percent pass rate. Therefore the remedial application fee amount may be adjusted, but must remain in the fee schedule. He also stated that based upon the statute, the Board will be required to collect the information in the annual report that THEC does not report or require, and that the information shall be posted on the Tennessee Massage Board webpage.

7. **0870-02-02(3)(j)** – The Board requested that all transcripts must adhere to Tennessee Higher Education Commission definition of an official transcript.
8. **0870-02-02(5)(2)(a)** – The Board requested that this rule be stricken from the rule packet.
9. **0870-02-02(7)(1)** – This rule requires that every Board approved program shall file an annual report with the Board on or before December 31 of each calendar year. A standard

form was created and sent to all approved Tennessee Massage Schools for them to complete and submit the Board Administrative Office.

10. **0870-02-.01(5)** – As of November 1, 2014 the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) is no longer offered and therefore should be stricken from the rule.
11. **0870-02-.02(3)(b)** – **Strike & Replace** - The program curriculum shall include current exam approved by the Board. Ms. Cross made a motion, seconded by Ms. Burke to approve the new language to the rule. The motion carried.
12. **0870-01-.01(16)** – **Strike** – National Certification Examination- The examination required for national certification from the NCBTMB
13. **0870-01-.04(m)** – **Strike** – The Board originally requested that this rule be stricken from the rule packet. After further discussion, the Board requested that this rule be tabled for more detailed discussion on Tuesday February 10, 2015.
14. **0870-01-.08(2)(a)** - **Add** – Massage and Bodyworks Licensing Examination (MBLEx)
15. **0870-01-.12(4)(b)** – **Add** - Associations, corporations, or organizations authorized as a provider or sponsor by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), Federation of State Massage Therapy Boards (FSMTB), or the National Commission for Certifying Agencies (N.C.C.A.).
16. **0870-01-.12(4)(d)** – **Strike & Replace** - Individual licensees may receive continuing education credit for courses presented out of state with the Board’s prior approval, if the course is presented during the continuing education cycle in which the licensee is requesting credit be applied, upon submitting the following to the Board Administrative Office:
17. **0870-01-.12(6)(b)** – **Add** – Mr. Velker made a motion, seconded by Ms. Wray to have the twenty-five (25) hours required for the continuing education cycle be prorated over the remaining months of the two (2) year cycle in which the therapist’s license was reinstated. The motion carried with Ms. Cross opposed.
18. **0870-01-.12(4)(c)(9)** – **Add** – Ms. Cross made a motion, seconded by Ms. Jagers, to add the requirement to submit prospective start date of class/course. The motion carried.
19. **0870-01-.12(4)(b)(2)(3)** – **Add** – Ms. Cross made a motion, seconded by Ms. Easterly, to require that the hours be listed on the certificates or documentation attached from the authorized provider that shows proof of the hours attended in order to receive continuing education credit for the course.

**20. 0870-01-.12(4)(b)(5) – Strike and Replace** – Ms. Cross made a motion, seconded by Ms. Wray to change the rule to read: Colleges, universities or massage schools approved by the United States Department of Education, the Tennessee Higher Education Commission or the Tennessee Board of Regents. The motion carried.

**21. 0870-01-.12(4)(b)(6) – Add and Move** – Ms. Wray made a motion, seconded by Jagers to move this rule to 0870-01-12(4)(h) and to add language that reads: Individual licensees may receive continuing education credit for courses with the Board’s prior approval for formal educational courses relating directly to the theory or clinical application of massage therapy sponsored by an accredited college/university or institution approved by the Tennessee Higher Education Commission, Board of Regents or its equivalent in another state(s). If such course is taken for or assigned quarter or semester credit hours, three (3) semester hours or equivalent quarter hours shall be equivalent to fifteen (15) continuing education hours. No credits will be counted for courses failed.

**22. 0870-01-12(5)(b)** – Ms. Cross made a motion, seconded by Ms. Burke to direct the Administrative staff to follow the rule and only accept waivers submitted prior to the end of the licensure cycle in which the continuing education is due.

**23. 0870-01-.12(1)(d) – Add** – The Board requested that the policy regarding current and make-up continuing education be added to the rules and to change the language to a maximum of eight (8) of the twenty-five (25) hours requirement may be completed in any of the following multi-media formats:

1. The internet;
2. Closed circuit television;
3. Satellite broadcasts;
4. Correspondence courses;
5. Videotapes;
6. CD-ROM;
7. DVD;
8. Teleconferencing;
9. Videoconferencing; or
10. Distance Learning.

**24. Application Process 0870-01-04 & 0870-01-05 – Letters of Recommendation:** The purpose of this rule change is to help verify the validity of the individual that signs a letter of recommendation. The Board discussed that all letters of recommendation will have to be notarized to validate the signatures or be required to be submitted on professional letterhead including the author's contact information. Ms. Cross made a motion that requires all letters of recommendation to be notarized, on professional letterhead, and provide the contact information (phone number, e-mail, and physical address) of the author of the letter. Ms. Jagers seconded the motion. The motion carried with Mr. Velker opposed.

Ms. Burke made motion, seconded by Ms. Cross to move the rule packet to the rulemaking hearing.

Mr. Bolden adjourned the meeting.

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**FEBRUARY 9 – 10, 2015**

**TIME:** 9:00 a.m., C.S.T.  
**LOCATION:** 665 Mainstream Drive  
HRB Conference Center  
1st Floor, Iris Room  
Nashville, TN 37243

**MEMBERS**

**PRESENT:** Ed Bolden, LMT, Chairperson  
Cynthia Jagers, LMT, Secretary  
Marvis Burke, LMT Secretary  
Julie J. Wray, LMT  
Christi Cross, Citizen Member  
Michael Velker, Citizen Member  
Bethann Easterly, LMT

**STAFF**

**PRESENT:** Lisa Lampley, Board Director  
Kimberly Hodge, Board Manager  
Dale Hill, Board Administrator  
Marc Guilford, Assistant General Counsel

Mr. Bolden called the meeting to order at 9:20 a.m. and asked Ms. Lampley to conduct a roll call to establish a quorum. A quorum was present.

**Contested Case Hearings**

**Da'Leshia Turner, LMT - 8653**

Mr. Devin M. Wells, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Matielyn Williams. Ms. Turner was not present nor represented by an attorney. Mr. Wells submitted an affidavit of service by Ashley Fine, who is Mr. Wells' paralegal, and introduced evidence that a Notice of Hearing was sent to the respondent and signed for by a family member. Mr. Velker made a motion, seconded by Ms. Easterly, to proceed with the hearing in Ms. Turner's absence. The motion carried.

Ms. Turner failed to obtain fifteen (15) of the required twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Turner had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Turner's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Jagers, to accept the proposed order as written. The motion carried. Ms. Turner's license shall

be placed on probation, and she was required to pay all civil penalties and costs and make-up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

**Ying Lin, LMT – 8664 and Daily Massage, Inc.**

Ms. Li was present and represented by her attorney Rob McKinney and interpreter Elizabeth Huang. Mr. Marc Guilford represented the State of Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Matielyn Williams. Ms. Li is a licensed massage therapist in Tennessee and owner of Daily Massage, Inc. in Madison, TN.

Ms. Li is charged with employing at least two (2) unlicensed individuals to perform massage services and unethical or unprofessional conduct.

Mr. Guilford stated the proposed Orders indicate that costs are not to exceed \$5,000 in each case. Mr. Guilford said the Board can fine up to \$1,000 for each day for violation of the practice act and to make sure the civil penalty is related to the practice act. Mr. Guilford said the Board has the authority to revoke both licenses, assess civil penalties as the Board deems appropriate and to impose costs of at least \$5,000 in each of the cases.

Mr. McKinney stated he did not understand the calculations Ms. Li had documented on her books. Mr. McKinney said Ms. Li is guilty of poor bookkeeping, guilty of running a poor practice, but there was no proof of Ms. Lin employing unlicensed massage therapists. Mr. McKinney said there was no video recording or audio recording, nor were any officers of the Metropolitan Police Department who were at the establishment present to testify. Mr. McKinney asked the Board to dismiss the petition; however, if that fails, is asking that the Board impose a letter of warning, formal reprimand or probation. Ms. Li has closed her business and moved to Kentucky.

Upon deliberation, the Board found that Ms. Lin was in violation of the Tennessee Massage Practice Act, T.C.A. 63-18-108 (7) and (12), Tenn. Comp. R & Regs 0870-01-.02(1) and Tenn. Comp. R & Regs 0870-01-.02(2) (b).

**Daily Massage, Inc.**

Ms. Cross made a motion, seconded by Ms. Easterly, to adopt the Order revoking the establishment license. The motion carried. Ms. Burke made a motion, seconded by Ms. Easterly, to adopt the Order assessing a civil penalty in the amount of two thousand dollars (\$2,000). The motion carried. Ms. Wray made a motion, seconded by Ms. Cross, to adopt the Order assessing costs in an amount not to exceed five thousand dollars (\$5,000).

**Ying Lin, LMT**

Ms. Velker made a motion, seconded by Ms. Burke, to adopt the Order revoking the license of Ms. Lin. The motion carried. Ms. Cross made a motion, seconded by Ms. Wray, to adopt the Order assessing a civil penalty in the amount of two thousand dollars (\$2,000). Mr. Velker opposed. The motion carried. Ms. Cross made a motion, seconded by Ms. Easterly, to adopt the Order assessing costs in an amount not to exceed five thousand (\$5,000). The motion carried.

## **Consent Orders**

### **Lu Yin, LMT – 7579**

Ms. Lanford, Assistant General Counsel, presented and discussed a Consent Order for Lu Yin. Ms. Yin failed to obtain two (2) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon renewing her license in May 2013, Ms. Yin falsely indicated that she had completed all required continuing education. Upon discussion and review, the Board found that Ms. Yin had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Yin's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to accept the consent order as written. The motion was carried.

Ms. Yin's license was placed on probation and she was required to pay all civil penalties and costs and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

### **Carolyn F. Bramlett, LMT - 158**

Mr. Gibbs, Assistant General Counsel, presented and discussed a Consent Order for Carolyn Bramlett. Ms. Bramlett failed to obtain two (2) approved hours of continuing education for the 2011-2012 continuing education cycle. Upon renewing her license in April 2013, Ms. Bramlett falsely indicated that she had completed all required continuing education. Upon discussion and review, the Board found that Ms. Bramlett had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Bramlett's conduct constitutes grounds for discipline. A motion was made by Ms. Easterly, seconded by Mr. Velker, to accept the consent order as written. The motion carried.

Ms. Bramlett's license was placed on probation and she was required to pay all civil penalties and costs and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

### **Sylvester Bowens, LMT – 9536**

Mr. Gibbs, Assistant General Counsel, presented and discussed a Consent Order for Sylvester Bowens. Mr. Bowens failed to obtain seven (7) approved hours of continuing education for the 2011-2012 continuing education cycle. Upon renewing his license in August 2013, Mr. Bowens falsely indicated that he had completed all required continuing education. Upon discussion and review, the Board found that Mr. Bowens had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Bowens' conduct constitutes grounds for discipline. A motion was made by Ms. Wray, seconded by Ms. Burke, to accept the consent order as written. The motion carried.

Mr. Bowens' license was placed on probation and he was required to pay all civil penalties and costs and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

**Joanne E. Harmon, LMT – 4522**

Mr. Gibbs, Assistant General Counsel, presented and discussed the consent order for Joanne Harmon. Ms. Harmon failed to obtain twenty-three (23) approved hours of continuing education in the 2009-2010 continuing education cycle. Upon renewing her license in April 2014, Ms. Harmon falsely indicated that she had completed all required continuing education. Upon discuss and review, the Board found that Ms. Harmon had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Harmon's conduct constitutes grounds for discipline. A motion was made by Ms. Burke, seconded by Ms. Easterly, to accept the consent order as written. The motion carried.

Ms. Harmon's license was placed on probation, and she was required to pay all civil penalties and costs and make up all continuing education hours and penalty hours for the 2009-2010 continuing education cycle.

**Tammie L. Green, L.M.T. – 2565**

Mr. Gibbs, Assistant General Counsel, presented and discussed the consent order for Tammie Green. Ms. Green failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon renewing her license in March 2013, Ms. Green falsely indicated that she had completed all required continuing education. Upon discuss and review, the Board found that Ms. Green had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Green's conduct constitutes grounds for discipline. A motion was made by Ms. Easterly, seconded by Ms. Wray, to accept the consent order as written. The motion carried.

Ms. Green's license was placed on probation, and she was required to pay all civil penalties and costs and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

**DiJuana L. Henderson, L.M.T. – 6076**

Mr. Gibbs, Assistant General Counsel, presented and discussed the consent order for DiJuana Henderson. Mr. Henderson failed to obtain nine (9) approved hours of continuing education in the 2009-2010 continuing education cycle. Upon renewing his license in August 2012, Mr. Henderson falsely indicated that he had completed all required continuing education. Upon discuss and review, the Board found that Mr. Henderson had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Henderson's conduct constitutes grounds for discipline. A motion was made by Ms. Burke, seconded by Ms. Easterly, to accept the consent order as written. The motion carried.

Mr. Henderson's license was placed on probation, and he was required to pay all civil penalties and costs and make up all continuing education hours and penalty hours for the 2009-2010 continuing education cycle.

### **Sherry E. Lackey, L.M.T. – 2145**

Mr. Wells, Assistant General Counsel, presented and discussed two consolidated consent orders for Sherry Lackey. Ms. Lackey failed to obtain fifty (50) approved hours of continuing education for the 2009-2010 and 2011-2012 continuing education cycles. Upon renewing her license in February 2011 and March 2013, Ms. Lackey falsely indicated that she had completed all required continuing education. Upon discuss and review, the Board found that Ms. Lackey had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Lackey's conduct constitutes grounds for discipline. A motion was made by Ms. Burke, seconded by Ms. Wray, to accept the consent order as written. The motion carried.

Ms.Lackey's license was placed on probation, and she was required to pay all civil penalties and costs and make up all continuing education hours and penalty hours for the 2009-2010 and 2011-2012 continuing education cycles.

### **Impaired Professionals Task Force Report**

Mr. Velker stated the Task Force consisting of Marc Guilford, Mary Kennedy, Lisa Lampley, Rosemarie Otto, Melissa Painter and himself met concerning the grant proposal for impaired professionals. The Task Force reviewed the contract in detail and matched it with the rules and regulations of the Board. The contract was approved and sent out for bids on February 2, 2015.

### **Establishment Task Force Report**

Ms. Cross stated the Task Force met in January 2015. As a result of that meeting, the Task Force recommends reinstating establishment inspections; recommend 100% inspections of new establishments upon initial application; and 100% inspections on changes of address. The establishment owner's will be notified that they will be inspected within thirty days to forty-five days during the working hours verified with the inspector. All current establishments will be inspected over the course of the next four years in unannounced inspections. The inspector will be given a list of establishments to inspect quarterly and report back to the Board after the quarter. If an establishment fails the inspection their license will be suspended or revoked. A contract will be prepared and go out for bid.

Mr. Guilford stated they needed a Board designee to develop a check list to make sure the scope of service is met. Mr. Bolden appointed Ms. Cross as the designee. Mr. Velker made a motion, seconded by Ms. Wray, to reinstate establishment inspections as recommended by the Task Force. The motion carried.

### **Task Force – Law and Ethics Curriculum Task Force (LECTF)**

Mr. Bolden said the Law and Ethics Committee Task Force met on January 5, 2015 in Knoxville and was comprised of Ed Bolden, Charles West, Marcela Collins, Maj-Lis Nash, Mindy Oldham, Bill Mullins and Lori Schrader. The Task Force discussed the five (5) hour core curriculum education course in Tennessee Law and the two (2) hour Tennessee Law continuing education class.

The Task force considered it important that each provider include basic information regarding the availability of a peer assistance program, which shall include availability to licensed massage therapists and students; an explanation of what peer assistance is and is not; and how to access peer assistance services including contact information.

The Task Force recommended that the provider include information about the rules and regulations regarding continuing education requirements; information about the rules and regulations regarding establishment licenses; information regarding the location, use and functions of the massage licensure board's website; information regarding the scope of practice for Tennessee; procedures regarding retirement and renewal of licenses; information regarding violations of law, rules, policies and disciplinary action; information regarding changes to the statutes, rules and regulation and board policies; and, the essential definitions for Board, Board Administrative Office, continuing education, establishment, massage/bodywork/somatic and sexual activity.

The Task Force recommends that special emphasis be placed on practice standards and inspections of establishments; necessity of licensure; establishment licensure process; licensure renewal; retirement, reinstatement, inactivation and reactivation of licensure; continuing education; disciplinary actions and civil penalties; license address and name; advertising; consumer right to know requirements; and, professional and ethical standards for therapists and establishments.

Velker made a motion, seconded by Ms. Burke, to continue the Task Force work on Tennessee law and ethics. The motion carried. Mr. Velker made a motion, seconded by Ms. Cross, to incorporate the recommendations from the Law and Ethics Curriculum Task Force in the rulemaking hearing. The motion carried. Mr. Velker made a motion, seconded by Ms. Cross, that this be enacted as a policy by the May 2015 meeting and that the schools and continuing education providers be notified of the policy. The motion carried. Mr. Velker made a motion, seconded by Ms. Cross, that Mr. Bolden prepare the policy statement for the May 2015 meeting. The motion carried.

### **Board Appearances by Disciplined Licensees**

The Board discussed if it was necessary for an establishment owner/responsible person who had had discipline on his/her therapist license to appear before the Board when applying for and establishment license. Mr. Bolden said it wasn't necessary for a licensee disciplined by the Board, who has met all disciplinary requirements, return to the Board to obtain an establishment if they have no additional discipline. Ms. Cross made a motion, seconded by Mr. Velker, that it is not necessary for a disciplined licensee, who has met all requirements, return to the Board for an establishment license unless there is additional discipline. The motion carried.

## **Inspections**

The Board reviewed the Rule 0870-01-.02(3) pertaining to the inspection of establishments. Ms. Hodge suggested deleting the section of the rules stating the inspector would give the establishment owner/responsible person a twenty-four (24) hour notice prior to the inspection as all inspections would be unannounced. Ms. Cross said the Task Force discussed how inspections would be conducted in great length and determined that an unannounced inspection was the best solution. Mr. Velker suggested that the inspector make an appointment for a massage to make sure the establishment is open, the massage therapist is not with a client, and the owner is present. Ms. Hodge asked the Board members to bring forth any suggestion they have to determine the best way to inspect establishments for discussion at the next meeting.

Mr. Bolden reiterated that the Board is in favor of unannounced 100% inspections within a four (4) year period, and if the establishment when visited is not open within the time frame of the inspection, the establishment owner will notify the Board and give them alternative dates they will be open. Upon discussion, Ms. Wray made a motion, seconded by Ms. Burke, to send the inspection rules to a rulemaking hearing. The motion carried. Upon further discussion, Ms. Burke inquired if an inspector would be legally authorized to enter an unlicensed establishment and conduct an inspection. Mr. Guilford informed the Board that the contract would have to be carefully worded to allow an inspection of an unlicensed establishment since the old contract was a per inspection fee. Mr. Guilford said the problem would be disciplining an unlicensed establishment. Mr. Guilford suggested that the Board could refer the establishment to the Tennessee Bureau of Investigations.

## **Continued Discussion of Rule Changes**

**Reciprocity** - Mr. Bolden stated that the Board's legal counsel said it would be acceptable to remove the language in Rule 0870-01-.04(m) and make a reference to the state statute. Ms. Wray made a motion, seconded by Ms. Jagers, to significantly revise this section to clarify that a person licensed in another state seeking licensure in Tennessee by reciprocity must prove they meet the same requirements as Tennessee without retaking a written examination or see section 63-18-116 of the statute. The motion carried.

**Reactivation and Reinstatements** - The Board reviewed Rule 0870-01-11 pertaining to licensure reactivation and reinstatement. Ms. Hodge suggested the Board revise this section to include a proration for continuing education. Ms. Hodge also suggested that a section be added stating if a person reinstates a retired license they must provide continuing education documentation for the time prior to their license being retired. Ms. Velker made a motion, seconded by Ms. Wray, to move this language to rulemaking. The motion carried.

**Photos on Massage Therapist License** - Ms. Cross stated she wanted the licensee's photo placed on licenses. Ms. Velker suggested that the photo should be required to be updated every five years. Mr. Guilford said it would be a process, and that pictures on licenses would impact the Board's revenue. He also informed the Board that it would require a rule amendment. Mr. Velker made a motion, seconded by Ms. Cross, to pursue the feasibility of having photos on massage therapy licenses.

## **Discussions**

Mr. Guilford discussed the provisions in the Administrative Procedures Act which sets forth the procedures for all cases. Mr. Guilford informed the Board that if a case before the Board is dismissed, the person who won their case can file a motion to the Administrative Law Judge to be refunded their attorney fees. Mr. Guilford also advised the Board members not to discuss the cases that come before them as the respondent's may appeal the Board's decisions.

## **Licensure Reinstatement with Conditions**

### **Fayelynn Latour, LMT – 6573**

The Board reviewed and Order reinstating Ms. Latour's license with conditions. Upon review, Ms. Cross made a motion, seconded by Mr. Velker, to reinstate Ms. Latour's license with reprimand for failing to obtain any of the specialty hours required for her 2009/2010 continuing education cycle. The motion carried.

Ms. Burke made a motion, seconded by Ms. Wray, to adjourn at 4:09 p.m. The motion carried.

**These minutes were ratified at the meeting held on May 4 -5, 2015.**