

MINUTES TENNESSEE MASSAGE LICENSURE BOARD

FEBRUARY 25, 2025

Rule Making Hearing

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Time: 9:00 am cst

Location: Poplar Room

665 Mainstream Drive

HRB- 1st Floor, Poplar Room

Nashville TN 37243

Members Present: William E Mullins, LMT, Board Chairperson

Amy Jones, Citizen Member

Alicia Azimipour, Board Secretary

Emily Newberry, LMT

Members Absent: Marvis Burke, LMT

Virginia P Yarbrough, LMT

Staff Present: Noranda French, Unit 2 Director

Tonya Wilkins, Board Director

Regan Cothron, Board Attorney- Office of General Counsel

Michael Varnell, Board Attorney- Office of General Counsel

Guests: Michal Tolon, Court Reporter

Carolyn Reed, Judge

This meeting was called into order by William Mullins at 9:00am. Noranda French conducts a roll call to establish a quorum for the meeting. A quorum was present.

RULE HEARING: Public Chapter 718 (9:10am)

Regulatory Flexibility Analysis:

(1) The extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

The proposed rules are not duplicative or conflicting with any other federal or state rule.

(2) Clarity, conciseness, and lack of ambiguity in the rule or rules.

The proposed rules exhibit clarity, conciseness, and lack of ambiguity.

(3) The establishment of flexible compliance and/or reporting requirements for small businesses.

The proposed rules do not impose new compliance or reporting requirements on any entity including small businesses.

(4) The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.

The proposed rules do not establish new schedules or deadlines for compliance and/or reporting requirements for any entity including small businesses.

(5) The consolidation or simplification of compliance or reporting requirements for small businesses.

The proposed rules do not change, consolidate, or simplify compliance or reporting requirements for small businesses.

(6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.

The proposed rules do not necessitate the establishment of performance standards for small businesses.

(7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

There are no unnecessary entry barriers in the proposed rules that would stifle entrepreneurial activity, curb innovation, or increase costs.

After board discussion, Emily Newberry motions to approve RFA, Alicia Azimpour seconded, motion carries.

Economic Impact Statement:

Pursuant to T.C.A. § 4-5-403, the statement shall include the following:

1. The type or types of small business and an identification and estimate of the number of small businesses subject to the rule being proposed that would bear the cost of, or directly benefit from the rule being proposed;

These rules will benefit massage therapist and massage therapy educational programs in Tennessee because this change will allow massage schools to be eligible for Pell grants in accordance with the change to federal legislation.

2. The projected reporting, recordkeeping and other administrative costs required for compliance with the rule being proposed, including the type of professional skills necessary for preparation of the report or record;

It is not anticipated these rules will have an impact on administrative costs.

3. A statement of the probable effect on impacted small businesses and consumers;

These rules will benefit massage therapy educational programs in Tennessee because this change will allow massage schools to be eligible for Pell grants in accordance with the change to

4. A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the rule being proposed that may exist, and to what extent the alternative means might be less burdensome to small business

There is no less intrusive way to implement these rules other than the proposed rule change.

5. A comparison of the rule being proposed with any federal or state counterparts; and There is no federal or state counterpart to these rules.

6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the rule being proposed.

These rules will benefit massage therapy educational programs in Tennessee because this change will allow massage schools to be eligible for Pell grants in accordance with the change to

Emily Newberry motions to approve EIS and Amy Jones seconded, motion carries.

Michael Varnell conducts a role call for rule making hearing. All are present. No public comments and reads supposed rules into the record.

Rule 0870-01-.05 Licensure Process is amended by deleting subparagraphs (1)(c), (1)(e), including its parts, and (1)(k) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs and parts shall read

(c) (e) Applications will be accepted throughout the year. Supporting documentation required by these rules must be timely received in the Board Administrative Office as provided in Rule 0870-01-.08(3) or the file will be closed. Applicants shall request that a transcript from one (1) or more post-secondary academic institution(s) approved by the Tennessee Higher Education Commissionaires equivalent in another state(s), or approved by the Tennessee Board of Regents and approved by the Tennessee Massage Licensure Board, 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 six hundred fifty (650) classroom hours, specifically delineated as follows:

1. Two hundred (200) classroom hours of the six hundred fifty (650) classroom hour requirement shall consist of sciences including, but not limited to, anatomy, physiology-Western and/or/Eastern, kinesiology, pathology, HIV/AIDS and blood-borne pathogens, and hygiene (including standard precautions). Other sciences related to the human body may be included with Board approval.
2. Three hundred (300) classroom hours of the six hundred fifty (650) classroom hour requirement shall consist of basic massage theory and practice including, but not limited to, history, benefits, indications, contraindications, demonstration and supervised practice, client assessment/evaluation, soft tissue manipulations including: gliding, kneading, friction, compression, vibration, percussion, stretching, joint movements, draping, positioning, turning, feedback, charting/documentation, proper body mechanics, and self-care. 3. 4. 5. (k)
3. One hundred twenty-five (125) classroom hours of the six hundred fifty (650) classroom hour requirement shall consist of related subjects including, but not limited to, business standards of practice, communication skills, CPR/First Aid, the Americans with Disabilities Act, referral methods, specialized populations, and specialized and adjunct therapies/modalities (including hydrotherapy).
4. Twenty (20) classroom hours of the six hundred fifty (650) classroom hour requirement shall consist of ethics instruction
5. Five (5) classroom hours of the six hundred fifty (650) classroom hour requirement shall consist of instruction regarding Tennessee massage statutes and regulations. An applicant shall submit the application fee and state regulatory fee as provided in Rule 0870-01-.07.

Rule 0870-02-.02 Program Approval and Curriculum Requirements is amended by deleting subparagraph (3)(b) and parts (3)(b)2, (3)(b)3, and 3(b)4 in their entirety and substituting instead the following language, so that as amended, the new subparagraph and parts shall read

(3) (b) The program curriculum shall include, but not be limited to, the topics contained in the MBLEx (or other current examination approved by the Board) Content Outline at the time of

admission of the student. The RDA1693 SS-7037 (March 2020) 3program shall, at a minimum, consist of six hundred fifty (650) classroom hours and must contain:

2. Three hundred (300) classroom hours of basic massage theory and practice including, but not limited to, history, benefits, indications, contraindications, demonstration and supervised practice, client assessment/evaluation, soft tissue manipulations including: gliding, kneading, friction, compression, vibration, percussion, stretching, joint movements, draping, positioning, turning, feedback, charting/documentation, proper body mechanics, self-care, and intern clinic.

3. One hundred twenty-five (125) classroom hours of related subjects including, but not limited to, business standards of practice, communication skills, CPR/First Aid, the Americans with Disabilities Act, referral methods, specialized populations, and specialized and adjunct therapies/modalities (including hydrotherapy).

Twenty (20) classroom hours of ethics instruction. Authority: T.C.A. §§ 63-1-136, 63-18-111, and 63-18-115.

Amy Jones motions to approve changes as made. Alicia Azimpour seconds and motion carries. French roll calls each board member for approval of rule change. The Rule making hearing ends (9:15am).

CHRISTAN WELLS LMT 11579:

Cothron reviews accusations and Wells voluntary surrenders his license. Mullins recuses himself. No quorum is established. Will return in May meeting to final review.

RANDY VICKERS LMT 14768 (9:20am)

Judge recognizes counsel for State (Regan Cothron) and Vickers (Sam Helmbrecht). Judge conducts a roll call and establishes a quorum for the meeting. The respondent is present. Judge Reed verifies that no board member needs to recuse themselves from the case. All confirm they are fit to hear the case. Dr. Mike Fogel was questioned about his expertise in regard to the case (45.08). Judge Grants denies witness. (1:15:25). Office of General Counsel Regan Cothron presents her opening statement to the board. The case presented by Cothron includes sexual assault charges. Sam Helmbrecht presents his opening statements about the case. Helmbrecht calls in William Martin LMT as a witness. Judge Reed swears in Mr. Martin. Cothron and Helmbrecht both interview Martin. Cothron and Helmbrecht presents disposition of H.M.

BREAK (11:40am) 10 Minutes.

Cothron presents disposition of S.S. Helmbrecht presents disposition of S.S. Cothron presents next disposition of M.Q.

BREAK (2:10pm) 30 Minutes

Cothron presents next witness Dr. Michael Fogel. Judge Reed swears Dr. Michael Fogel. Helmbrecht interviews witness Dr. Michael Fogel. Judge opens the floor to the board. Cothron

interviews Mr. Lawson. Judge Reed swears in Mr. Lawson. Judge Reed swears in Randy Vickers. Both Cothron and Helmbrecht interview Randy Vickers (6:32:31). The board asks questions from Mr. Vickers. Cothron presents her closing statements. Helmbrecht presents his closing statements (8:23:23).

BREAK (5:30pm) 5 minutes

The board deliberates after the closing remarks are presented. (8:42:34) Emily Newberry motions to approve findings of fact, Alicia Azimpour seconds. Motion passes. Amy Jones motions to accept conclusions of law as written, Emily Newberry seconds. Motion passes. Emily Newberry motions to accept policy statement as written, Alicia Azimpour seconds. Motion passes. Amy Jones motions to pass order as written, Alicia Azimpour seconds. Motion passes. Emily Newberry motions to accept change number 4 order, Amy Jones seconds. Motion carries.

CHRISTAN WELLS LMT 11579:

Michael Varnell re-opens discussion on Wells, stating that as long as four board members are present, there is a quorum. Re-established quorum with Newberry, Azimpour, Jones and Mullins; however, Mullins recused himself. Alicia Azimpour serves as chair. Emily Newberry motions to accept, Amy Jones seconded. Motions carries.

Adjourned

Meeting adjourns approximately 6:30pm.