

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
August 12, 2024

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

Date: August 12, 2024

Location: 665 Mainstream Drive
HRB Conference Center
1st Floor, Iris Room
Nashville, TN 37243

Members Present:

Bill Mullins, Board Chairman
Alicia Azimipour, Secretary
Emily Newberry, Board Member
Marvis Burke, Board Member
Amy Jones, Board Member

Staff Present:

Noranda French, Director
Tonya Wilkins, Massage Administrative Director 1
Michael Varnell, Office of General Counsel, Attorney
Jessica Turner, Attorney

To watch or listen to the meeting online, please click on the link below:

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/735b66af95dc48578cb6b204453fe80e1d>

The meeting was called to order at 9:01 by Mr. Mullins. Ms. French conducted a roll call; Ms. Yarbrough was not present. A quorum was established.

Minutes

Ms. Burke made a motion, seconded by Ms. Newberry, to approve May 1st and 2ndth. The motion carried.

Discuss and take action, if needed, regarding legislation:

Grayson Carter presented the following legislation report:

2024 Legislative Wrap

[PC.718 SB1588/HB1610](#)

As enacted, increases from 500 to 650 the minimum number of curriculum hours that an applicant for licensure in massage must have completed at a board-approved institution for massage, bodywork, or somatic therapy in order to be eligible for licensure under the Massage Licensure Act of 1995.

[PC.749 SB2362/HB2122](#)

As enacted, requires the department to collaborate with a Tennessee organization approved by the Board of Medical Examiners for the creation of a continuing education program for the purpose of providing healthcare professionals with information and training relative to public and office safety.

[PC.761 SB2482/HB2773](#)

As enacted, enacts the "Cassie Wright Act," which makes changes to law relative to a parent, legal guardian, or legal custodian having access to certain medical information of their unemancipated minor. Requires a health care professional who reports a threat of bodily harm or threat of committing suicide, by a service recipient who is an unemancipated minor, to law enforcement must also report to the unemancipated minors parent, legal guardian, or legal custodian. Requires access to an unemancipated minors prescription records unless the provider is required to report abuse or access to this information is reasonably likely to endanger the life or physical safety of the minor.

[PC.783 SB1673/HB1625](#)

As enacted, requires a qualified mental health professional or behavior analyst to warn or protect an identified victim or group of people when the professional or analyst determines that a service recipient has communicated an intent for actual threat of bodily harm; requires the professional or behavior analyst to report such threat; provides immunity from civil, criminal, and regulatory liability for a professional or analyst who takes reasonable action to warn or protect identified victims or groups and to report such threat.

[PC.831 SB1766/HB1882](#)

As enacted, requires a healthcare provider to provide to a patient or the patient's authorized representative a full copy of the patient's medical records within 10 working days of receipt of a written request by the patient or representative, instead of providing a full copy or a summary of the records; requires a healthcare provider to provide to a principal or an attorney in fact acting pursuant to a durable power of attorney for health care a full copy of

the principal's medical records within 10 working days of receipt of a written request by the principal or attorney in fact, instead of providing a full copy or a summary of the records

[PC 893 SB1720/HB2451](#)

As enacted, requires certain information to be included in a healthcare practitioner advertisement. A practitioner may only advertise the profession, title or designation associated with the educational degree of the practitioner.

[PC.944 SB2588/HB2097](#)

As enacted, requires state regulatory boards within the department of commerce and insurance and state health related boards within the department of health to issue advisory opinions upon request.

[PC.1027 SB1881/HB2857](#)

As enacted, removes from the definition of "provider-based telemedicine" the requirement that the healthcare service provider or the provider's practice group or healthcare system have an established provider-patient relationship that is documented by an in-person encounter within 16 months prior to the interactive visit.

[PC.1030 SB1963/HB2176](#)

As enacted, permits a court to award the reasonable court costs and attorney's fees to a petitioner successfully proving that a governing body knowingly and willfully violated the public meetings laws in this state.

[PC.1032 SB1971/HB1895](#)

As enacted, creates the criminal offense of abortion trafficking of a minor; provides for a civil action against a person committing the offense of abortion trafficking of a minor for the wrongful death of an unborn child that was aborted.

[PC.1043 SB2151/HB2861](#)

As enacted, clarifies that a healthcare practitioner shall not coerce a person, including a person who has legal authority to make healthcare decisions for a child, to consent to a vaccination; Misdemeanor or misrepresent that a vaccination is required by state law, when state law provides an exemption; or (3) Misdemeanor or misrepresent that a newborn screening test is required by state law, when state law does not require such screening without providing an exemption to such requirement.

[PC.1061 SB2749/HB2936](#)

As enacted, enacts the "Families' Rights and Responsibilities Act." This act outlines that parental consent must be given to a healthcare provider to render certain treatment or services unless under certain circumstances such as emergency medical or surgical treatment or if blanket consent has been given.

Office of Investigation Report:

Katie Smith presented the report as follows:

Complaint Activity	Dec 2023	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
New Complaints Opened		10	14	7	14	13	3	5						66
Total Closed Complaints		1	0	22	20	16	1	23						83
7 - Closed BIV,EMS,HCF,AW		0	0	13	3	2	0	5						23
9 - Complaint Closed		1	0	5	13	11	1	9						40
93 - Closed - Ltr of Concern		0	0	1	2	1	0	3						7
94 - Closed - Warning Ltr		0	0	3	2	2	0	6						13
Currently Open Complaints	59	68	82	67	61	58	60	42						

ANALYSIS OF NEWLY OPENED COMPLAINTS

By Allegation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
19-Substance Abuse	0	2	0	0	0	0	0						2
20-Sexual Misconduct	1	3	2	5	2	0	1						14
23-Criminal Charges	1	0	0	0	0	0	0						1
25-Unlicensed Practice	1	1	0	1	0	1	0						4
26-Unprofessional Conduct	3	3	3	5	9	2	2						27
27-Violation of Order	1	0	0	1	0	0	0						2
36-Lapsed License	2	5	2	2	1	0	2						14
47-Outside INV Scope	1	0	0	0	1	0	0						2
Total:	10	14	7	14	13	3	5						66
By Region	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
EAST	0	0	0	2	1	0	0						3
MIDDLE	3	1	2	2	5	0	2						15
WEST	0	0	1	1	0	0	0						2
Out of State	0	0	0	0	0	0	0						0
Unknown	2	1	1	1	0	0	1						6
Total:	5	2	4	6	6	0	3						26

Fiscal Report

Nothing to report.

TN Pap Report:

Teresa Phillips presented the report as follows:

			Massage Therapist	Establishment
Monitoring			3	0
		Regulatory	0	0
		Non-Regulatory	3	0
Referrals			0	0
Agreements Entered			0	0
Discharges			1	0
	Discharge Reason	Monitoring completed – non-regulatory	1	0
		Monitoring non0compliance – regulatory	1	0

Applicant Interviews:

A. Ahmon Rishard Goodrum, LMT 3611 – Applicant retired license prior to paying and completing consent order dated 8/21/2017. Ms. Burke made a motion to grant a conditional license based on payment of all fines and CE hours completed. Ms. Newberry seconded; the motion carried.

B. Nails Plus Day Spa ME 590 – Applicant worked on an expired license since October 31/2022. Ms. Burke made a motion to grant a conditional license based on payment of all fines within one year. Ms. Newberry seconded; the motion carried.

C. Victoria Rose McKenzie – File 15091 – Applicant has a felony and other convictions on background check and is currently on probation. Ms. Azimipour made a motion to table application until next board meeting and applicant must obtain a TnPap evaluation.

D. Bin Yang, LMT 8843 – This applicant was set to appear to request lifting suspension. Applicant did not appear.

OGC Report:

Mr. Varnell presented the report as follows:

CONFLICT OF INTEREST

If you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. This is true whether the matter relates to a contested case, a rulemaking decision, an application, or any other matter before the Committee. You are reminded that it is the duty of this board to protect the health, safety and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

LITIGATION

Today, there are 5 contested final hearings.

RULEMAKING

The board has three (3) active rulemaking projects.

- Project #24-0343 (0870-01). These rules contain a portion of the retrospective review changes pursuant to 2021 Public Chapter 328. The board needs to finalize these changes at this meeting.
- Project #24-0344 (0870-02). These rules execute the retrospective review changes pursuant to 2021 Public Chapter 328.
- Project #24-0444 (0870-01 and 0870-02). These rules implement recent statutory changes pursuant to 2024 Public Chapter 718 regarding the minimum number of educational hours required for massage therapist applicants and educational programs. This is being done as an emergency rule.

PENDING COMPLAINTS

As of this Report, the total number of Massage Therapists being monitored for discipline is **133.**

- The total number on reprimand is **6** with terms.
- The total number on probation is **48** with terms.
- The total number on suspension is **37.**
- The total number that has had their license revoked or surrendered is **34.**
- The total number with a conditional license is **8.**

As of this Report, the total number of Massage Establishments being monitored for discipline is **33**.

- The total number on reprimand is **3** with terms.
- The total number on probation is **4** with terms.
- The total number on suspension is **3**.
- The total number that has had their license revoked or surrendered is **15**.
- The total number with a conditional license is **7**.
- The total number with a contingent license is **1**.

Consent Orders:

1. Haley N. Corbin, LMT 13908 – Ms. Kendrick presented the order. A motion was made by Ms. Newberry seconded by Ms. Burke to approve the order. The motion carried.
2. Robert W. McNitt, Jr. LMT 976 – Ms. Kendrick presented the order. A motion was made by Ms. Burke seconded by Ms. Azimipour to approve the order. The motion carried.
3. Amber R. Taylor. LMT 13019 – Ms. Morgan presented the order. A motion was made by Ms. Burke seconded by Ms. Jones to approve the order. The motion carried.

Agreed Orders:

1. 18 Spa, ME 5802 – Ms. Kendrick presented the order. A motion was made by Ms. Burke seconded by Ms. Azimipour. The motion carried.
2. Shaoming Guo, LMT 9925 – Ms. Kendrick presented the order. A motion was made by Ms. Burke seconded by Ms. Newberry. The motion carried.

Ratifications of initial and reinstatement files. A motion was made by Ms. Burke to approve, seconded by Ms. Newberry. The motion carried.

Ratification List for 8/12/2024 Massage Board Meeting

LMT Initial

Thomas, Laurie
Long, Shelby
Sola, Deanna
Knell, Miranda
Galanto, Jordunn
Creasey, Caelin
Flaherty, deken
Brogden, Keira
Worrell, Christopher
Jacobi, Mary
Harris, Deborah
Hamby, Elizabeth
Bird, Madison
Brearley, Elizabeth
Bloebaum, Danielle
Dodd, Molly
Trevino, David
Kvalik, Carrie
Thompson, Lindsey
Robertson, Robert
Mills, Emily
Williams, Anthony
Napper, Summer
Mault, Kiley
Kirby, Hannah
Coudriet, Christopher
Elder, Shania
Douwes, John
Kool, Saskia
Neal, Savannah
Aiken, Addison
Bowman, Brooke
Littlejohn, Laura
Wang, Jingyu
Waltz, Ethan
Shropshire, Rishi
Harvey, Jacqueline
Taylor, Brandy
Wright, Debra
Sovago-Royal, Amanda
Andis, Stacey
Tate, Jayden
Dooley, Gary
Uglum, Stacey
Reagan, Sumeria

Aide, Amber
Ahmad, Shahla
Pederson, Sarah
Rowlinson, Karissa
Weikel, Brianna
Watkins, Yolanda
Rojas-Benitez, Alexis
Beebe, Alanna
Garner, Courtney
Gerry, Sarah
Mauel, Kellie
Sindler, David
Stephens, Dani
Waligorski, Jennifer
Hosey, Malik
Kruppa, Dillon
Mokaew, Hatairat
Mohamed, Dalfa
Davis, Melissa
Parker, Sasha
Wadley, Emily
El Amin, Debra
Harrod, Crystal
Wood, Emily
Taylor, hillary
Sun, Lianmei
Dailey, Amelia
Vaughan, Mary
Smith, Robin
Manson, Jasmine
O'Brien, Alexis
Barabbouch, Raven
McKee, Kara
Curtis, Kiss'Shonda
Zastrocky, Nipaporn
Sorrell-Wikoff, Jenny
Cavopol, Laura
McCabe, Julie
Barnes, William
Finch, Jamie
Camren, Makenzie
Ravanos, Anthea
Sowards, Jessica
Ma, Xue Mei
Rodgers, Jacquiesce
Smail, Taylor

Garcia, Amanda
Viall, Thomas
Blea, Kathey
Meeks, Sadie
Temple, Tatyana
Finley, Torianna
Zurhaar, Shannon
Adams, Catelyn
Campbell, Sarah
Sanders, Colt
Wallace, Charity

LMT Reinstatements

Shea, Stevie
Corbin, Haley
Becker, Stephanie
Rodgers, Rebecca
Mount, Amy
Proctor, Lindsey
Ballard, Bayli
McGavock, Rebecca
Groce-Thomas, Kerri
Fitzgerald, Laurie
Smith, Tia
Arrucci, Rosemarie
Butler, Aaliyah
Parker, Roseza
Schneider, Megan
Jaggers, Cynthia
Slater, Leann
Buechele, Tabitha
Kean, Khroy
Leta Johnson
Mueller, Karina
Buckley, Allison
Jackson, Apree

LMT Closed

Nelson, Nadine
Schimmer, Shannon
Addison, Dianna
Burch, Joshua
Arnold, Daniela
Knott, Rebekah
Kali, Maile
Shabazz, Tonya

Sinnott, Allison

ME Initial

Grounded Therapeutics
Revive Wellness
Reflexology
Kula Yoga and Bodywork
Monique Cramer
Arme
Empassion Pelvic Health
Chosen Massage and
Wellness, LLC
CHATTANOOGA
AYURVEDA, LLC
Tatem Massage Studio
INC.
Healing Hands Massage
Therapy
Massage Therapy By
Summer
My Sukha
Noelle Tabor
Qreative Art Massage
Rebecca Hall LMT
FLX Massage Therapy,
LLC
Dura Mother
Vibrational Sound
Therapy
LLC
Refreshing Massage
Functional Living LMT
Revive Massage
Show of Hands LLC,
DBA
Squeeze Massage
High Vibes Massage LLC
Englewood Medical
Massage
Patterson Industries
AFI Wellness
Serendipity Therapeutic
Massage
Cobra Labs LLC DBA
Angelik Spa
Elodie Sexton LMT
Gayle Owens LMT
Reorient
New Life Massage
A.V.A. Integrative
Massage

Enhanced Sports and
Recovery
Healing Hands
LYH LLC
Journey to Wellness
Therapeutic and
Integrative Massage
Lighthouse Massage
Therapy LLC
Emily Wadley
Aurora Spa LLC
Bearden Hill Wellness
Mary Vaughn Licensed
Massage Therapist
Toni Merka LMT
Anastasia Emms
CM Massage
Pieces to Peace Massage
Therapy
Beauty Boutique Salon
and
Spa LLC
Forged Functional
Therapy
and Sports Massage
Relax Therapy
Laura Lea Cavopol, LLC
Sowell Massage Therapy
Sovereignty Beauty and
Wellness LLC
Reset Massage Therapy
Body and Voice Studio
LLC
Christie Vanetten LMT
Land of Smiles Thai
Massage

ME Closed

Inspirational Medicine
LLC

ME Reinstatements

Better Bodies LLC
Glow Wellness Spa
Therapeutic Massage
A Knead for Wellness
A Better You LLC
Massage Vitality
Relaxation Station
Highgate Hotels, L.P.
DBA

The Joseph
Zhenni Spa
Natural Body Spa
Womankind Massage and
Wellness Chapel Hill
Savannah Toone and
Partners
Spa at Oak Haven
Kim Trammell LMT
Harmony Health Coach
Nan Scarlett

Agreed Citations:

CE Violations

1. Angelica Marin, LMT 10604
2. Christopher Barbour, LMT 12387
3. Myracle Lynnise Thompson, LMT 8984
4. Patricia Paige Milner, LMT 12640
5. Tammy A. Hammond, LMT 11000

Lapsed License

1. A Better You LLC ME 1661
2. A knead for Wellness ME 5903
3. Cynthia Elizabeth Jaggers, LMT 2917
4. Deanna Shrade LMT, 8785
5. Megan Schneider LMT, 13333
6. Misty Rachael White, LMT 4914
7. Natural Body Riverview ME 4987
8. Taletha Ann Adkins, LMT 2577
9. Tiffany Scarpelli, LMT 5903
10. Zhenni Spa ME 4845
11. Zhenni Zhao, LMT 10479

After discussion a motion was made by Ms. Burke seconded by Ms. Jones to accept all agreed citations. The motion carried.

Administrative Report:

Ms. Wilkins presented the report as follows:

STATISTICAL REPORT - This report runs from May 1, 2024 to July 31, 2024

THERAPISTS	ESTABLISHMENTS
May 2024	May 2024
Newly Licensed _ 39	Newly Licensed _ 16
Reinstate Applications _6	Reinstate Applications _7
Retired _13	Retired _7
New Applications _41	New Applications _ 1 6
ran from 1 st -30 th /31 st of each month	ran from 1 st -30 th /31 st of each month

THERAPISTS	ESTABLISHMENTS
June 2024	June 2024
Newly Licensed _ 27	Newly Licensed _ 15
Reinstate Applications _9	Reinstate Applications _7
Retired _8	Retired _1
New Applications _ 2 7	New Applications _ 1 5
ran from 1 st -30 th /31 st of each month	ran from 1 st -30 th /31 st of each month

THERAPISTS	ESTABLISHMENTS
July 2024	July 2024
Newly Licensed _ 34	Newly Licensed _ 26
Reinstate Applications _8	Reinstate Applications _2
Retired _9	Retired _2
New Applications _ 3 4	New Applications _ 2 6
ran from 1 st -30 th /31 st of each month	ran from 1 st -30 th /31 st of each month

Review, ratify, discuss, and approve/deny continuing education courses:

1. Terri Carrick Cook – Essential Oil and Aromatherapy (Live-In-Person) – 12 hours. Course# - TN0052024-30
2. Dee Vickers – Tennessee Massage Law (Live-In-Person) 2 hours 2025-2026. Course# - TBD

After discussion A motion was made by Ms. Burke, seconded by Ms. Azimipour to approve. The motion carried.

Discuss and take action on school approvals and/or program changes if necessary:

1. Nashville Institute of Massage and Bodywork – a motion was made by Ms. Newberry to approve, seconded by Ms. Burke. The motion carried.

Discuss and take action, if needed, regarding rulemaking hearings, rule amendments, and policies:

Michael Varnell presented the Proposed rule changes:

- (1) Classroom Hour - the number of hours lectured per course. A classroom hour should be limited to a minimum of 50 minutes of any one clock hour during which a student participates in a course or series of courses in the presence of a faculty member offered by a board approved massage therapy school, or in an online setting pursuant to 0870-01-.05(f).
- (2) Establishment Owner - A person who has ownership interest in a massage establishment. The term includes an individual who holds a massage establishment license, a general partner of a partnership, an owner or officer of a corporation, and a member of a limited liability company and its subsidiaries who holds a massage establishment license.
- (3) Massage therapy is one of the healing arts and, as such, the practice is restricted to those persons issued a credential by this Board. Persons engaging in the practice of massage therapy without being licensed or expressly exempted by the laws are in violation of T.C.A. §§ 63-1-123 and 63-18-104. It is unlawful for any person who is not licensed in the manner prescribed in Title 63, Chapter 18 of the Tennessee Code Annotated to present himself or his establishment as a licensed massage therapist or a licensed massage establishment or to hold himself or his establishment out to the public as being licensed by using a title on signs, mailboxes, address plates, stationery, announcements, telephone listings, calling cards, or other instruments of professional identification. Students may not hold themselves out as licensed massage therapists until such time as they are licensed. An establishment license is not required for the office of a physician licensed under T.C.A. §§ 63-4; 63-6; of 63-9 if a massage for compensation is provided within that office by a licensed massage therapist.
- (4) An application packet shall be requested from the Board's Administrative Office. The application process may be completed and submitted online through the Board's authorized licensure system found and outlined on the Board's website.
- (5) Applicants shall request that a transcript from one (1) or more post-secondary academic institution(s) approved by the Tennessee Higher Education Commission or its 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 and fifty (650) classroom hours, specifically delineated as follows:
 1. Two hundred (200) classroom hours of the six hundred and 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 and fifty classroom (650) 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, self-care and intern clinic.

3. **One hundred and twenty-five (125)** classroom hours of the **six hundred and 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/ massage modalities such as eastern theory, lymphatic, prenatal, infant, sports, craniosacral and hydrotherapy. This also may include Spa modalities.
4. **Twenty (20)** classroom hours of the **six hundred and fifty (650)** classroom hour requirement shall consist of ethics instruction.
5. Five (5) classroom hours of the **six hundred and fifty (650)** classroom hour requirement shall consist of instruction regarding Tennessee massage statutes and regulations.

(6) Applicants may obtain up to, but not exceeding, one hundred and ninety-five (195) classroom hours online. None of the following course work requirements may be obtained online:

- 1. Kinesiology;**
- 2. Hands on course work;**
- 3. Ethics;**
- 4. Law**

(7) All applications shall be sworn to and signed by the applicant and notarized. All applications and documents submitted for licensure purposes become the property of the State of Tennessee and will not be returned. Neither the application form nor any required document will be accepted if any portion has been executed and dated prior to one (1) year before receipt by the Board Administrative Office.

(8) All applications shall be sworn to and signed by the applicant and notarized.

(9) Methods of Renewal

- 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The internet renewal method is available to massage therapists licensees and massage establishment licensees.**

(10) No application for renewal of an establishment license or reinstatement of an expired establishment license shall be considered unless the establishment has passed its most recent inspection.

(11) Comply with the continuing education provisions of rule 0870-01-.12 applicable to reinstatement of

retired licenses.

(12) Submit a **reinstatement** application to the Board Administrative Office; and

(13) Each Massage therapist must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four (4) years from the end of the cycle in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process. Acceptable documentation verifying the licensee's completion of the continuing education program(s) may consist of either a certificate or an original letter on official stationery from the program's sponsor, indicating the program title, date and length in hours, along with the licensee's name. **This documentation must be uploaded into the continuing education vendor's platform and must meet the requirements of Rule 0870-01-.12. The certificates must indicate the format in which the course was presented.**

(14) **FSMBT – ABMP**

(a) (15) Continuing Education courses may be presented in any of the following formats:

1. Lecture.
2. Multi-media courses - with successful completion of a written post experience examination to evaluate material retention.
3. Correspondence - with successful completion of a written post experience examination to evaluate material retention.
4. **Online courses that are in a live and/or interactive format.**
5. Any combination of the above.

(15) Violations

- (b) Any massage therapist, massage establishment owner, or massage establishment responsible person who fails to obtain the required continuing education hours, who falsely attests to attendance and/or completion of the required hours of continuing education or **who fails to respond to a continuing education audit within the allotted timeframe** may be subject to disciplinary action pursuant to T.C.A. § 63-18-108.

(16) 0870-01-.13 DISCIPLINARY ACTIONS AND CIVIL PENALTIES.

- (1) Actions - Upon a finding by the Board that any provision of the Tennessee Massage Therapist Practice Act or the rules promulgated pursuant thereto has been violated, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense.

(a) Denial of an application for licensure.

(b) "Letter of warning and/or Letter of Concern." **This is a written action issued to the massage therapist for minor or near infractions. If such letter is issued by the Board's consultant, it is informal and advisory in nature and does not constitute a formal disciplinary action. However, if such letter is issued by the Board at a contested case hearing through the issuance of a final order, it shall be considered an adverse act by the Board and reportable to the National Practitioner Databank and/or similar agency.**

(17) Requests for verification of license must be made in writing to the Board Administrative Office or online via the Department's website at <https://apps.health.tn.gov/Licensure/default.aspx>

(18) A new establishment application must be submitted within 30 days of a new responsible person assuming responsibility of an establishment.

(19) ADVERTISING.

- (1) Policy Statement. Lack of sophistication on the part of many members of the public concerning professional massage services, the importance of the interests affected by the choice of a massage therapist or a massage establishment and the foreseeable consequences of unrestricted advertising by massage therapists or on behalf of massage establishments, which is recognized to pose special possibilities for deception, require that special care be taken to avoid misleading the public. Massage therapists and massage establishments must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public. Digital advertising for unlicensed therapist and unlicensed establishments can be deemed acceptable provided the criteria above is met along with a visible disclaimer that licensure is pending.

Discussion was made by the board. Mr. West, Mr. Summers and Ms. Nash made public comment. Ms. Burke made a motion to accept the redline rule changes, seconded by Ms. Jones. The motion carried.

Discuss Old and New Board Business:

2. Cell Phone Statement

Discussion was made concerning cell phone use. A statement will be drafted.

Proposed Board Meeting Dates for 2026:

- February 9 and 10
- May 11 and 12
- August 10 and 11
- November 2 and 3

Ms. Burke made a motion to accept the dates, seconded by Ms. Jones. The motion carried.

-In addition a proposed date was added for 2025. Ms. Jones made a motion for February to 5, 2025, to be added. Ms. Burke seconded the motion. The motion carried.

Summary Suspension:

Randy Vickers LMT 14768 – (2:00- 4:13)

Jessica Turner, State Attorney for the Office of General Counsel, introduces file topics for today's informal summary suspension. She reviews the instructions for board members. Ms. Turner verifies that no member needs to recuse themselves from the case heard today. Ms. Turner presents her opening remarks in regard to Randy Vickers LMT 14768. Mr. Vickers has been brought before the board due to allegations of sexual misconduct. Sam Helmbrecht, Mr. Vickers Legal Representation, presents his opening remarks to the board. Ms. Turner provides the evidence to the board for review. Court Reporter Loisann Abbott swore in Randy Vickers. Sam Helmbrecht added items to the exhibit for board review. Ms. Turner asks Mr. Vickers various questions regarding his employment, the complaints, and his license.

At 2:55 Alicia Azimipour left the meeting, there was still a quorum. The case continues.

Jessica Turner finishes presenting her case. Sam Helmbrecht begins presenting his case and questioning Mr. Vickers. Ms. Turner asked some follow up questions based upon Mr. Vickers testimony with his attorney. The board asks Mr. Vickers various questions regarding his file and testimony. Ms. Turner presents her closing arguments to the board. Mr. Vickers legal representative Sam Helmbrecht presents his closing arguments to the board. Ms. Turner submits her proposed order to the board members for review and opens up the floor for board deliberation. AT 3:55PM. Ms. Newberry moves that the board adopt the order of summary suspension. Ms. Jones moves that the board does not adopt the order of summary suspension. Ms. Burke moves to adopt the order of summary suspension. Mr. Mullins moves to adopt the summary. Emily Newberry motions to adopt the summary suspension. Ms. Burke seconds the motion and only one (Jones) member denies. A roll call vote is conducted. Newberry aye, Jones nay, Burke aye, and Mullins aye. The motion passes. Ms. Newberry motions to accept the proposed order as written. Ms. Burke seconds the motion, none opposed.

Adjourn:

Mr. Mullins adjourned the meeting at 4:17.

Any business not concluded on Monday August 12, 2024, will be conducted on Tuesday, August 13, 2024.

Tennessee Massage Licensure Board Meeting

August 13th, 2024

To watch or listen to the meeting online, please click on the link below:

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/c9b88235100a4511826f87d1de0e81b01d>

Time: 9:00 am Central Standard Time

Location: 665 Mainstream Drive
HRB Conference Central 1st Floor, Iris Room
Nashville, TN 37243

Members Present: William Mullins, LMT Chairperson
Alicia Azimipour, Secretary Citizen Member
Marvis Burke, LMT
Emily Newberry, LMT
Amy Jones, Citizen Member

Members Absent: Virginia Yarbrough, LMT

Staff Present: Tonya Wilkins, Board Administrative Director
Noranda French, Board Administrative Director 2
Jessica Turner, Office of General Counsel, Board Attorney
Michael Varnell, Office of General Counsel, Board Attorney
Tim Peters, Office of General Counsel, Board Attorney
Paetria Morgan, Office of General Counsel, Board Attorney
Hannah Hampton, RBAA2

Guest: Judge Claudia Padfield
Haley Grossman, Court Reporter
Lewinfred Shack, Respondent

Judge Padfield asks that the board members state their name for the record. Members Jones, Burke, Mullins, Azimipour, and Newberry are present. A quorum is established.

Agreed Order

Zhimei Lu, LMT 10208 – (9:00)

General Counsel attorney Tim Peters presents the agreed order to the board for review. The order states that Lu hired unlicensed therapists. Burke moves to approve the agreed order as written. Newberry seconds and with none opposed, the motion passes.

Contested Cases

Tarek Mentouri LMT 11920 – (9:08)

The respondent is not present. Judge Padfield verifies that no board member needs to recuse themselves from the case. All verify that they are fit to hear the case. Ms. Turner speaks on the notice of charges delivered to respondent. The Judge decides that the proper notices were given to the respondent, but that due to incarceration he has not been given ample opportunity to participate in today's hearing. The case has been deferred until respondent is delivered notice of charges and participation opportunities.

Cynthia Stiles LMT 555, Mountain Escape Spa ME 182 – (9:27)

The respondent is not present. Judge Padfield verifies that no board member needs to recuse themselves from the case. All confirm they are fit to hear the case. Ms. Turner speaks on the proper notice of charges being delivered to the respondent. The Judge reviews these notice documents and deems them sufficient according to the law. Burke motions to continue in default. Azimipour seconds and with none opposed, the motion carries. Jessica Turner presents her opening statements to the board. Styles has practiced on a lapsed establishment licensure. Ms. Turner presents all evidence and gives her closing remarks. The Judge delivers the instructions for the case ruling to the board members. Turner distributes the proposed order to the board, and the board begins deliberation. Burke moves to accept final order as written. Jones seconded the motion, and with none opposed, the motion passes. The hearing is closed.

BREAK (10:06) 10 minutes.

Lewinfred Shack LMT 4952 -(10:16)

The respondent is present and has opted out of his right to legal representation. Office of General Counsel attorney Paetria Morgan presents the amended notice of charges. Judge Padfield verifies that no board member needs to recuse themselves from the case. All confirm they are fit to hear the case. Morgan presents her opening statement to the board. The case presented by Morgan includes practicing without an active establishment license and improper draping. Mr. Shack presents his opening statement to the board. Morgan enters evidence into the case and presents. Morgan calls Mr. Shack as a witness for the state. Judge Padfield swears in Mr. Shack. Mr.

Shack testifies to the board. The board deliberates after closing remarks are presented. Burke moves to accept the proposed final order as written. Jones seconded the motion and none opposed. The motion passes. The hearing is closed.

Mullins Adjourns the meeting at 11:09 am