

MINUTES

TENNESSEE MASSAGE LICENSURE BOARD

February 5, 2024

Time: 9:00 a.m. C.S.T.  
Date: February 5, 2024  
Location: [665](#) Mainstream Drive  
HRB Conference Center  
1st Floor, Iris Room  
Nashville, TN 37243

Members Present: Dee Vickers, Board Member  
Virginia P. Yarbrough, Board member  
Emily Newberry, Board Member  
Marvis Burke, Board Member  
Michael Velker, Board Member  
Bill Mullins, Board Chairman  
Alicia Azimipour, Secretary

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

The meeting was called to order at 9:01 by Mr. Mullins. Ms. Wilkins conducted a roll call. All members were present, and a quorum was established.

**Minutes**

Mr. Velker made a motion, seconded by Ms. Burke, to approve November 13, 2023, minutes. The motion carried.

**Office of Investigations Report:**

Justin Thornbury 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 4 contested final hearings.

**RULEMAKING**

The reciprocity licensure rule revisions are in the legislative review stage.

## LEGISLATION

Nothing to report.

## PENDING COMPLAINTS

As of this Report, the total number of Massage Therapists being monitored for discipline is **128**.

- The total number on reprimand is **7** with terms.
- The total number on probation is **47** with terms.
- The total number on suspension is **38**.
- The total number that has had their license revoked or surrendered is **27**.
- The total number with a conditional license is **9**.

As of this Report, the total number of Massage Establishments being monitored for discipline is **25**.

- The total number on reprimand is **4** with terms.
- The total number on probation is **4** with terms.
- The total number on suspension is **2**.
- The total number that has had their license revoked or surrendered is **9**.
- The total number with a conditional license is **5**.
- The total number with a contingent license is **1**.

## TnPAP Report

Teresa Phillips presented the report as follows:

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

## Fiscal Report

No report.

# OGC Report

Michael Varnell- presented the report as follows:

Complaint Activity	Dec 2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
New Complaints Opened		6	3	26	9	5	12	2	6	10	13	5	13	110
Total Closed Complaints		0	7	18	8	19	16	2	15	0	0	0	0	85
62 - Closed - Insufficient		0	0	8	0	0	0	0	0	0	0	0	0	8
7 - Closed BIV,EMS,HCF,AW		0	4	0	1	0	9	0	7	0	0	0	0	21
9 - Complaint Closed		0	3	4	6	0	3	1	7	0	0	0	0	24
93 - Closed - Ltr of Concern		0	0	2	0	2	0	0	0	0	0	0	0	4
94 - Closed - Warning Ltr		0	0	4	1	17	4	1	1	0	0	0	0	28
Currently Open Complaints	34	40	36	44	45	31	27	27	18	28	41	46	59	

## Administrative Report:

Presented by Ms. Wilkins

THERAPISTS	ESTABLISHMENTS
<b>Nov 2023</b>	<b>Nov 2023</b>
Newly Licensed _ 31	Newly Licensed _14
Reinstate Applications _6	Reinstate Applications _5
Retired_11	Retired_10
New Applications_ 3 3	New Applications_ 1 4
<b>ran from 1<sup>st</sup>-30<sup>th</sup>/31<sup>st</sup> of each month</b>	<b>ran from 1<sup>st</sup>-30<sup>th</sup>/31<sup>st</sup> of each month</b>

THERAPISTS	ESTABLISHMENTS
<b>Dec 2023</b>	<b>Dec 2023</b>
Newly Licensed _ 19	Newly Licensed _ 14
Reinstate Applications _8	Reinstate Applications _2
Retired_6	Retired_3
New Applications_20	New Applications_ 1 4
<b>ran from 1<sup>st</sup>-30<sup>th</sup>/31<sup>st</sup> of each month</b>	<b>ran from 1<sup>st</sup>-30<sup>th</sup>/31<sup>st</sup> of each month</b>

THERAPISTS	ESTABLISHMENTS
<b>Jan 2023</b>	<b>Jan 2023</b>
Newly Licensed _ 26	Newly Licensed _ 21
Reinstate Applications _2	Reinstate Applications _3
Retired_13	Retired_8
New Applications_ 2 6	New Applications_ 2 1
<b>ran from 1<sup>st</sup>-30<sup>th</sup>/31<sup>st</sup> of each month</b>	<b>ran from 1<sup>st</sup>-30<sup>th</sup>/31<sup>st</sup> of each month</b>

Ratifications of initial and reinstatement files.

## Ratification List for 2/5/2024 Massage Board Meeting

### ME Initial

- Kneading Solutions
- Desert Rose Spa and Wellness Studio
- Joe Leaidicker Massage Therapy
- Cryo Sculpt LLC
- Christie Abbott Integrative Massage
- Just Tease N'
- Peaceful Palms Bodywork
- Scout's Magnificent Massages DBA
- Elements Massage
- Scout's Magnificent Massages DBA
- Elements Massage
- Results Salon and Spa

- Ashlyn McKinney L.M.T.
- Universoul Well-being
- Kathleen Campbell- Smith
- Nashville Heal
- Kasee Preston, LMT
- Blue Sage Massage & Bodywork
- Debora Hudson Scott LMT NMT
- Taylor'd Therapeutic Massage
- Massage on the Square
- Revive Bodywork and Wellness Within It
- is Well Massage Sanctuary LLC Brandi
- Grayson Massage
- FYZICAL Poplar and Highland
- Massage and Skin by Cassie

Moonstone Spa  
Sacred Souls Massage and Spa LLC  
Mystic Moon Massage  
Robyn Baxter Massage Therapy  
Tiffany Brogdon LMT  
Leslie Grizzell Massage  
Atoka Massage  
Barbery Cannon, LMT  
Relax Massage and Bodywork  
Heather Williams Massage  
TS Spa Inc.

Shine Spa LLC  
Fae Haven Massage, Birthkeeping &  
Holistic Therapies  
Relaxation Massage Place  
Pure Face Care  
Beauty and Skin Essentials  
Nashville Brain and Wellness  
Space Cadet Massage Therapy  
Essential Equine Therapies, LLC  
Indie Massage  
Mialaquo Massage LLC  
Serenity Now Clarksville  
Feet Retreat Therapeutic Massage  
Shimmer Hair Spa  
Willow Haven Holistic Massage and  
Bodywork

#### **ME Reinstatements**

Daniel Shays Salon Boutique Spa  
Get the Look Day Salon and Day Spa  
The Divine Salon and Day Spa  
Star Footcare Massage  
Simply Anointed LLC  
Rebecca Saindon/ The Nashville  
Bodyworker  
Ann W. Davis, LMT  
Jolie Swanson LMT  
Relax with Rita  
Professional Massage Therapy

#### **LMT Initial**

Nian, Mike  
Weathers, Whitney  
Harkins, Kimberly  
Cavanaugh, Laura  
Buckingham, Jill  
Davis, Anna  
Martz, Cheryl

Vicker, Randy  
Buell, Keith  
Li, Lan  
Williston, Joshlyn  
Henderson, Clara  
Davenport, Jenna  
Hess, Katherine  
Meade, Mason  
Rice, Vivian  
Slack, Miriam  
Sullivan, Michael  
Chitwood, Skylar  
Hughes, Kyle  
Johnson, Casie  
Cullen, Breanna  
Hogue, Jakina  
Gant, Meleah  
Gil, Joshua  
Young, Sophie  
Zhang, Hongyi  
Anderson, Daniele  
Best, Leah  
Costello, Joshua  
Cabaniss, Elysia  
Lozada, LaTonya  
Smith, Megan  
Donnelly, Tierney  
Anule, Michael  
Moore-Floyd, Nikitia  
Hanel, Lorel  
Linghong, Feng  
Fein, Sabrina  
Ford, Tiffany  
Maylath, Lisa  
Holton, Heidi  
McKenzie, Denise  
Bycroft, Tanya  
Beckey, Joshua  
Ford, Leslie  
Martinez, Lissette

Efraimsen, Wendy  
Barbre, Kristine  
Winter, David  
Searles, Ivy  
Sabellico, Heather  
Levan, Katherine  
Maples, Mina  
Padilla, Marlenee  
Lewis, Gena  
Johnson, Tracy  
Gilmore, Seth  
Street, Tia  
Martinez, Amber  
Wright, chelsea  
Mintlow, Lamyiah  
Soule, Cassndra  
Davis, Michaela  
Blackford, Chelsea  
Mulloy, Michael  
Grandstrom, Jamus  
Bourdon, Mariel  
Gibson, Theresa  
Tabor, Noelle  
Smith, Catelin  
Gleaton, Carlee  
Bell, Rikia  
Steely, Sebrina  
Taumoto Vacari, Aline  
Garcia, Alexis  
Ledford, Ryan  
Thomas, Fantasia

### **LMT Reinstatements**

White, Jenna  
Caylor, Olivia  
Hatch, Anna  
Lee, Candyce  
Liu, Donghai  
Hutchinson, Vivian  
Curry, Tia

Stewart, Abby Xie,  
Farong Patterson,  
Monica Honeycutt,  
Dora  
Pasqualone, Amber  
Watkins-Earle, Tamera  
Sammons, Jonathan  
Potter, Leslie  
Walker, Daniel

**ME Closed Applications**

Riviera Spa TN LLC

**LMT Closed Applications**

Gabel, Holly  
Armstrong, Tracy  
Bell, Warren  
Lai, Linh  
Howell, Tanetta  
Conley, Anna  
Grandstrom, Jamus  
Yet, Khi Sar

After review, Mr. Velker made a motion, to approve the ratification lists as presented, seconded by Ms. Newberry, the motion carried.

**Agreed Citations:**

**CE Violations**

1. Aaron W. Harrell – LMT 10770
2. Emilia Loscerbo Davis – LMT 12592

**Lapsed License**

1. Abby Stewart – LMT 11704
2. Ann W. Davis – ME 1095
- 3.Carolynn Anderson - LMT 10569
4. Guangtao Lu – LMT 9512
5. Karen Denis Tucker – LMT 12497
6. Star Footcare Massage – ME 4796
7. Susan Denise Chaney – LMT 9984

8. Tia Christine Curry – LMT 12180

9. Yingxian Zhou – LMT 8865

10. Blue Mountain Mist Spa – ME 4579

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

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

1. Shakira Baly – TN Law (ive Webinar) 2 hours – Course # TN0122023-24

2. Scott Ingell – TN Law (Live Webinar) 2 hour – Course #TN0012024-25

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

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

1. Sandra Academy of Salon Service (Morristown)

After discussion by the board a motion to approve was made by Ms. Burke seconded by Ms. Yarbrough. The motion carried.

**Discuss and take action, if needed, regarding correspondence.**

1. Kimberly Heinks – LMT 1400 – The applicant is seeking a one-time approval for a CE class. Mr. Summers, Mr. West, and Ms. Nash provided public comment. After discussion by the board a motion for one-time approval was made by Ms. Vickers seconded by Ms. Newberry. After further discussion Ms. Vickers rescinded her motion for one-time approval. Pursuant to rule 0870-01-12 it is the decision of the board to not vote.

**Applicant Interviews:**

A. Davis, Alease – Per audit in late 2017, Davis was deficient 25 hours in the 2011-2012 cycle. Licensee retired license in 11/2017. Case #201802827 was closed in OIV because license was retired. Licensee has completed 55 CE hours during the year 2023 & 2024 including Law and Ethics. After discussion by the board Ms. Vickers made a motion to approve Ms. Davis for licensure. Ms. Newberry seconded. The motion carried.

B. Davis, Ann – License was expired greater than one year and licensee continued to work. After discussion by the board a motion was made by Mr. Velker to approve for conditional licensure. Ms. Newberry seconded. The motion carried.

C. Roe, Ashley – License expired greater than one year and has been working on the expired license. After discussion by the board a motion was made by Mr. Velker to approve for conditional licensure. Ms. Newberry seconded. The motion carried.

D. Glenn, Ronnie – In 2019 applicant had child abuse charges reduced to misdemeanor assault/battery charge. Required to complete community service and probation for 12 months. Early successful discharge from probation.

1998 had two convictions – Felony Assault and Felony Weapon. After discussion by the board Mr. Velker made a motion to approve Mr. Glenn for licensure. Ms. Burke seconded. The motion carried.

E. Salon Azure – License has been expired since more than one year and has been operating. After discussion by the board Mr. Velker made a motion to approve for reinstatement. Ms. Vickers seconded. The motion carried. In addition, if applicant files for reinstatement for Knoxville location the administrative office will determine outcome. Mr. Velker made a motion seconded by Ms. Vickers. The motion carried.

### **Review, discuss, and take action, if necessary, on any Task Force updates.**

#### **Department of Education Revokes 150% Rule for Title IV Funding Eligibility Massage Schools and Education Programs Affected**

On October 31, 2023, The Department of Education (DoE) published final **rulemaking** that will greatly impact clock-hour programs in states with minimum clock-hour requirements for licensure or certification, including massage therapy. The press release can be found **here**.

Currently, and until June 30, 2024, clock-hour based education programs are allowed to offer 50% more education than their state's minimum requirements and students would remain eligible for financial aid (150% Rule). So, if a state's minimum requirement is 500 hours, a school may offer a program for up to 750 hours and remain eligible to offer federal student loans.

**Effective July 1, 2024, for massage schools and programs to remain eligible for Title IV student loan funding, the program length must be exactly what the state minimum requires (100% Rule).** Schools cannot deviate from this number, or the entire program becomes ineligible. There is no grandparenting provision, so there will be a transition period where some students in massage programs will be subject to different hour requirements. A DoE Fact Sheet regarding the rulemaking can be found **here**. This change applies to **all** programs that fall under "Gainful Employment" which generally include for-profit career schools and non-degree programs at non-profit and public institutions.

FSMTB is providing the membership with information on the rule change, as massage regulatory boards and agencies may receive requests to approve or recognize revised programs to comply with this rule and/or may receive requests to change the minimum hours of education required. Alternatively, some schools may choose to start the process of closing their program.

The massage professional associations, **ABMP** and **AMTA**, have communicated with their membership regarding advocacy efforts that can be undertaken. **COMTA** is also aware of the situation. FSMTB is collaborating with these massage therapy organizations to educate constituents and address this issue, as appropriate.

**FSMTB supports the position that 625 hours of education is the minimum required for entry-level competence** pursuant to the ELME Blueprint from the **ELAP** and recommended in the Model Practice Act. This is an empirically based standard supported by the Coalition of Massage Therapy Organizations that includes FSMTB, COMTA, AMTA, ABMP, NCBTMB, AFMTE, and the MTF.

Discussion was made by Ms. French to update the rule for the total educational hours required for licensure per the proposed legislation to increase funding eligibility. Dr. Reed the TBR representative made public comment concerning new rule. Ms. Nash the task force representative proposed the following to update total educational hours needed for TN licensure. Mr. Summers made public comment regarding the hours. After discussion by the board Ms. Vickers made a motion to accept new hours. Mr. Velker seconded the motion. The motion carried.



**(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 program shall, at a minimum, consist of five hundred(500) classroom hours and must contain: Recommend increase in hours to ELAP standards as other states are also doing; 650 is the new normal.**

**1. Two hundred (200) this to remain at 200 classroom hours 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. Two hundred (200) increase to 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, and self-care. Intern Clinic**

**3. Eighty-five (85) increase to 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/ Massage modalities such as eastern theory, lymphatic, prenatal, infant, sports, craniosacral and hydrotherapy. This also may include Spa modalities which include but are not limited to: Hot Stone and Cupping**

**4. Ten (10) increase to 20 classroom hours of ethics instruction.**

**5. Five (5) classroom hours regarding Tennessee massage statutes and regulations.**

### **Adjourn:**

Mr. Velker made a motion to adjourn, seconded by Mr. Mullins. The board meeting was adjourned at 1:35.

MINUTES

TENNESSEE MASSAGE LICENSURE BOARD

February 6<sup>th</sup>, 2024

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

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/7786bf25c2b64dd7b7dba16b71ce4f6c1d>

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

Date: February 6<sup>th</sup>, 2024

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

Members Present: William Mullins III, Board Chairperson  
Virginia P. Yarbrough, Board member  
Emily Newberry, Board Member  
Marvis Burke, Board Member  
Michael Velker, Consumer Member  
Alicia Azimipour, Consumer Member

Staff Present: Tonya Wilkins, Massage Administrative Director 1  
Noranda French, Administrative Director 2  
Hannah Hampton, RBAA 2  
Brittani Kendrick, Office of General Counsel, Attorney  
Michael Varnell, Office of General Counsel Attorney  
Rhonda Web Stewart, Office of General Counsel Attorney

Guests Present: Administrative Law Judge Kim Summers  
Helen Stephens, Court Reporter

The meeting was called to order at 9:00AM. Ms. Wilkins conducted a roll call. Six (6) members were present, Ms. Vickers was not present. A quorum was established. Judge Kim Summers gives opening remarks and instructions on proceedings to the board.

### **Contested Cases**

#### **New you skincare ME 580 9:05AM**

Respondent not present. Judge confirms notice of charges were given to the licensee. Velker motions to defer in default, and Yarbrough seconded. None opposed, and the motion carried. Brittney Kendricks presents her opening statement. The establishment was found to be practicing on an expired licensure. The board reviews the evidence presented. Kendricks gives a closing statement to the board. The judge reviews the rules and procedures for contested cases to the board. The board discusses the case. Brittani Kendricks presents the proposed order to the board. Velker motions to dismiss the charges due to a lack of evidence. Newberry seconded. None opposed, the motion carries.

**BEFORE THE TENNESSEE MASSAGE LICENSURE BOARD**

**In The Matter of:** )  
 )  
**NEW YOU SKINCARE** ) **Docket No. 17.49-233528A**  
**ME License Number 5680** )  
 )  
**Respondent** )

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**FINAL ORDER**

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This matter came to be heard before the Tennessee Massage Licensure Board (“Board”) on February 6, 2024, pursuant to a Notice of Charges issued against Respondent by the Division of Health-Related Boards of the Tennessee Department of Health (“State”). Presiding at the hearing was the Honorable D. Kim Summers, appointed by the Tennessee Secretary of State, Administrative Procedures Division. The State was represented by Brittani Kendrick, Senior Associate General Counsel. Respondent was not present and was not represented by counsel. Counsel for the State made a motion pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 4-5-309 to find the Respondent in default. In support of its motion, the State introduced evidence that Respondent was informed of the hearing date and time by certified mail and by first class mail at Respondent’s address of record that Respondent was required to keep up to date by law. By majority vote, the Board GRANTED the State’s motion to find the Respondent in DEFAULT and to conduct the proceeding without the participation of the Respondent.

After consideration of the testimony, the documentary evidence, and the record as a whole, the Board moved to dismiss the Notice of Charges in this matter based upon the following:

1. New You Skincare is licensed by the Board as a massage establishment in Tennessee, having been granted license number 5680 on about November 19, 2020, which is currently active with an expiration date of November 30, 2024.

2. Myriam D. Taylor (“Ms. Taylor”) is the responsible person for New You Skincare.
3. On or about December 12, 2022, Investigator Marcy Robinson with the Tennessee Department of Health visited New You Skincare following an allegation of an improper massage. Upon her arrival at the establishment, Ai Qiong Lin was the only employee present and was performing a massage with one female client waiting in the waiting area.
4. Ms. Lin’s active licensure was not displayed on the wall. The posted license expired on August 31, 2021. The establishment licensure for New You expired on November 30, 2022. Ms. Lin reported she was aware the establishment license was expired and was in the process of renewing.
5. Ms. Taylor submitted a renewal fee for the establishment license on or about November 9, 2022.
6. On December 27, 2022, the Department received information from Ms. Taylor in support of the establishment license renewal.
7. There was no clear evidence provided as to when the renewal application for the establishment was submitted and approved given the license’s current expiration date of November 30, 2024.
8. There is a thirty (30) day grace period given for renewing licenses by this Board.

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### **CONCLUSIONS OF LAW**

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The findings of fact above are insufficient to establish that grounds for discipline of Respondent’s massage therapist license exist. The Respondent has not violated provisions of the massage practice act, TENN. CODE ANN. § 63-18-101, et seq.

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## POLICY STATEMENT

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The Tennessee Massage Licensure Board takes this action in order to protect the health, safety, and welfare of people in Tennessee.

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## ORDER

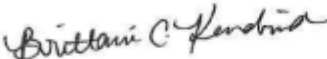
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THEREFORE, in consideration of the above Findings of Fact and Conclusions of Law, it is ORDERED, ADJUDGED, and DECREED upon a motion and vote by the Board that the Notice of Charges be hereby DISMISSED.

So **ORDERED** by the Tennessee Massage Licensure Board this 6<sup>th</sup> day of February 2024.

  
Chair/Acting Chair  
Tennessee Massage Licensure Board

Prepared for Entry By:



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Brittani C. Kendrick (BPR # 029251)  
Senior Associate General Counsel  
Tennessee Department of Health  
Office of General Counsel  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243  
(615) 532-7692  
Brittani.kendrick@tn.gov

## RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW

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Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

### CERTIFICATE OF SERVICE

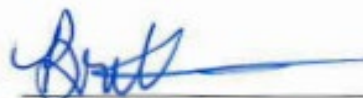
The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent by United States regular mail and United States certified mail, return receipt requested, with sufficient postage thereon to reach its destination to the following address:

New You Skincare  
c/o Ai Qiong Lin  
2855 Medical Center Parkway, Suite A  
Murfreesboro, TN 37128  
[1215newyou@gmail.com](mailto:1215newyou@gmail.com)

New You Skincare  
c/o Myriam Taylor  
2855 Medical Center Parkway, Suite A  
Murfreesboro, TN 37128  
[1215newyou@gmail.com](mailto:1215newyou@gmail.com)

**CERT MAIL:** 7013 3020 0000 9635 4528 and 7022 2410 0001 1540 0380

This 7<sup>th</sup> day of February, 2024.



Brittani Kendrick  
Senior Associate General Counsel

**Wei Li Guo and Tranquility Massage ME 4541 9:51AM**

Respondent not present. Judge confirms notice of charges were given to the licensee. Burke motioned to precede in default. Seconded by Yarbrough and with none opposed, the motion carries. Ms. Kenricks presents her opening remarks. The establishment was found to be practicing in an unprofessional and unethical manner with unlicensed therapists and sexual misconduct. Kendrick shares her closing statement. The board discusses the case and the proposed order. Velker motions to approve the amended findings of fact. Seconded by Newberry, none opposed. The motion carried. Velker motion to amend the conclusions of law , Burke seconds and none oppose. The motion carries. Newberry motions to accept the amended order, Velker seconds. Mullins conducts a roll call vote. Newberry, aye, Velker aye, Azimipour abstains, Yarbrough naye, Burke naye, Mullins votes naye. The motion does not carry. Velker motions to accept the order as amended. Burke seconds, and with none opposed the motion carries. Velker motions to accept the policy statement as written. Burke seconds, the motion carries with none opposed.



**BEFORE THE TENNESSEE MASSAGE LICENSURE BOARD**

**In The Matter of:** )  
 )  
**WEI LI GUO** ) **Docket No. 17.49-225087A**  
**LMT License Number 11391** )  
 )  
**and** )  
 )  
**TRANQUILITY MASSAGE** )  
**1139 NW Broad Street, Unite 106** )  
**Murfreesboro, TN 37129** )  
**Massage Establishment License #4541** )  
**Wei Li Guo, Owner** )  
 )  
**Respondents** )

**FINAL ORDER**

This matter came to be heard before the Tennessee Massage Licensure Board (“Board”) on February 6, 2024, pursuant to a Notice of Charges issued against Respondent by the Division of Health-Related Boards of the Tennessee Department of Health (“State”). Presiding at the hearing was the Honorable D. Kim Summers, appointed by the Tennessee Secretary of State, Administrative Procedures Division. The State was represented by Brittani Kendrick, Senior Associate General Counsel. Respondent was not present and was not represented by counsel. Counsel for the State made a motion pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 4-5-309 to find the Respondent in default. In support of its motion, the State introduced evidence that Respondent was informed of the hearing date and time by certified mail and by first class mail at Respondent’s address of record that Respondent was required to keep up to date by law. By majority vote, the Board GRANTED the State’s motion to find the Respondent in DEFAULT and to conduct the proceeding without the participation of the Respondent.

After consideration of the testimony, the documentary evidence, and the record as a whole, the Board finds as follows:

## I. FINDINGS OF FACT

1. Wei Li Guo was licensed by the Board as a massage therapist in Tennessee, having been granted license number 11391 on about December 3, 2015, which is currently voluntarily retired, with an expiration date of June 30, 2024.
2. Tranquility Massage, located at 1139 NW Broad Street, Unit 106, Murfreesboro, TN 37129, was licensed by the Board as a massage establishment, having been granted license number 4541 on or about June 2, 2016, which is currently voluntarily retired, with an expiration date of June 30, 2024.
3. Tranquility Massage was previously located at 230 Stones River Mall Blvd., Suite C, Murfreesboro, TN. During the month of August 2021, Ms. Guo applied for and was granted a change of address by the Tennessee Massage Board.
4. Ms. Guo owns and is the responsible person for Tranquility Massage located at 1139 NW Broad Street, Unit 106, Murfreesboro, TN 37129.
5. On July 12, 2022, Detective with Murfreesboro Police Department's VICE Unit executed a Search Warrant at Tranquility Massage, located at 1139 NW Broad Street, Suite 106, Murfreesboro, TN. This was the result of a lengthy investigation into illegal and illicit massages.
6. During law enforcement's investigation which lasted approximately fourteen (14) months, undercover detectives received massages from at least three (3) unlicensed massage therapists on at least nine (9) occasions. These unlicensed therapists were identified as Xiuli Man (a.k.a "Julie"), Dingyin Song, and Qian Dong.
7. During at least eight (8) massages performed by Ms. Mann, Ms. Dong, and an unidentified person, undercover officers were touched in the buttocks, testicles, and genital area.

## II. CONCLUSIONS OF LAW

The findings of fact above are sufficient to establish that grounds for discipline of Respondent's massage therapist license and Respondent's massage establishment license exist. Specifically, Respondent has violated the following statutes or rules which are part of the provisions of the massage practice act, (TENN. CODE ANN. § 63-18-101, *et seq.*) and TENN. COMP. R. & REGS., 0870-01-.01, *et seq.*, for which disciplinary action before and by the Board is authorized:

8. The facts in paragraphs five (5) through seven (7) constitute a violation of TENN. CODE ANN. § 63-18-104: License Required.
  - (a) Persons or massage establishments engaged in massage for compensation shall be licensed by the massage licensure board.
  - (b) Any person or establishment who advertises or engages in massage for compensation without a current valid license from the massage licensure board commits a Class B misdemeanor. It is unlawful to use the word "massage" or any other term that implies massage technique or method when advertising a service by a person who is not licensed under this chapter or another chapter of state law.
9. The facts in paragraphs four (4) through seven (7) constitute violations of TENN. CODE ANN. § 63-18-108:
  - (6) Is guilty of willful negligence in the practice of massage or has been guilty of employing, allowing or permitting any unlicensed person to perform massage in such licensee's establishment;
  - (7) Has violated any of the provisions of this part or any substantive rule promulgated under the authority of this part;
  - (9) Has violated or attempted to violate, directly or indirectly, or has assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant to this chapter;
  - (12) Is guilty of unethical or unprofessional conduct[.]

10. The facts in paragraphs five (5) through seven (7) constitute violations of TENN. COMP. R. &

REGS 0870-01-.03(1):

It is the responsibility of establishment owners to ensure compliance with all provisions of this rule and any violation of any portion of this rule may result in disciplinary action or denial of licensure pursuant to T.C.A. § 63-18-108.

11. The facts in paragraphs five (5) through seven (7) constitute violations of TENN. CODE ANN.

§ 63-1-134 in pertinent part:

- (a) With respect to any person required to be licensed, permitted or authorized by any board, commission or agent attached to the division of health related boards, each respective board, commission or agency may assess a civil penalty against such person in an amount not to exceed one thousand dollars (\$1,000.00) for each separate violation of a statute, rule or order pertaining to such board commission or agency. Each day of continued violation constitutes a separate violation.
- (b) Each board, commission or agency shall by rule establish a schedule designating the minimum and maximum civil penalties that may be assessed under this section. In assessing civil penalties, the following factors may be considered:
  - (1) Whether the amount imposed will be a substantial economic deterrent to the violator;
  - (2) The circumstances leading to the violation;
  - (3) The severity of the violation and risk of harm to the public;
  - (4) The economic benefits gained by the violator as a result of noncompliance; and
  - (5) The interest of the public.

### III. ORDER

THEREFORE, in consideration of the above Findings of Fact and Conclusions of Law, it is ORDERED, ADJUDGED, and DECREED as follows:

12. Respondent's Tennessee massage establishment license # 4541, is hereby **REVOKED**, effective the date of entry of this Order.
13. Respondent's massage therapist license # 11391, is hereby **REVOKED**, effective the date of entry of this Order.

14. Respondent must pay, pursuant to Tenn. Code Ann. 63-1-134, eight (8) Type A Civil Penalties in the amount of \$1,000.00 each, for the eight (8) instances noted in paragraph seven (7), above, **for a total civil penalty amount of \$8,000.00.**
15. Respondent must pay, pursuant to TENN. CODE ANN. § 63-1-144, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the State in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the State. The maximum amount for the assessment of costs shall be five thousand dollars (\$5,000.00).
16. Wei Li Guo and Tranquility Massage are jointly and severally liable for payment of all costs and civil penalties assessed pursuant to this order.
17. Within sixty (60) days from Assessment of Costs being sent to Respondents, Respondents must either pay the civil penalties and costs in full OR make arrangements for a payment plan with the Disciplinary Coordinator. If a payment plan is developed, all civil penalties and costs must be paid within one (1) year of the entry of this Order. Civil penalties and costs shall be paid by submitting a certified check, cashier's check, or money order payable to the State of Tennessee to the address below. Respondent's name and case number must be put on the check or money order to ensure it is applied correctly: **Wei Li Guo and Tranquility Massage, Case Nos. 2022018991, 2022019001.**
18. Payment of all fines and costs as required above must be mailed or delivery to:

**Office of General Counsel  
Attn: Disciplinary Coordinator  
Tennessee Department of Health  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243**

**or**

disciplinary.coordinator@tn.gov

---

**POLICY STATEMENT**

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The Tennessee Massage Licensure Board takes this action in order to protect the health, safety, and welfare of people in Tennessee.

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**RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW**

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Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

So **ORDERED** by the Tennessee Massage Licensure Board this 6<sup>th</sup> of February 2024.

PREPARED FOR ENTRY:



Brittani Kendrick, BPR# 029251  
Senior Associate General Counsel  
Tennessee Department of Health  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243  
(615) 532-7692  
Brittani.kendrick@tn.gov  
Attorney for the State

2/6/2024  
DATE

  
Chair/Acting Chair  
Tennessee Massage Licensure Board

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent by United States regular mail and United States certified mail, return receipt requested, with sufficient postage thereon to reach its destination to the following addresses:

Wei Li Guo  
Tranquility Massage  
1139 NW Broad Street, Unit 106  
Murfreesboro, TN 37129  
9589 0710 5270 1327 4907 48

---

and

Wei Li Guo  
2315 Valley Grove Drive  
Murfreesboro, TN 37128  
[38472360@qq.com](mailto:38472360@qq.com)

9589 0710 5270 1327 4906 94

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and

Wei Li Guo  
2428 HOLLIS DR  
MURFREESBORO, TN 37127-2914

9589 0710 5270 1327 4907 00

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This 7<sup>th</sup> day of February, 2024.



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Brittani Kendrick  
Senior Associate General Counsel

**Dennis Marsh, LMT 3722**

Ms. Stewart presents the agreed order to the board for approval. Marsh was found to be practicing unethical and unprofessional sexual misconduct. The board deliberates. Yarbrough motions to accept the order as proposed. Burke seconds, and with none opposed the motion carries.

**BEFORE THE TENNESSEE MESSAGE LICENSURE BOARD**

**In The Matter of:**

**DENNIS EUGENE MARSH  
L.M.T. License Number 3726**

**Respondent**

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**Docket Number: 17.49-233332A**

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**AGREED ORDER**

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The State of Tennessee, by and through the Office of General Counsel, and Respondent Dennis E. Marsh, hereby stipulates and agrees, subject to approval by the Tennessee Massage Licensure Board ("Board") of this Agreed Order affecting Respondent's license to practice as a license massage therapist in the State of Tennessee.

**I. Authority and Jurisdiction**

The Board regulates and supervises massage therapists and massage establishments licensed to practice pursuant to the Tennessee Massage Licensure Act (Licensure Act), Tennessee Code Annotated Section (TENN. CODE ANN. §) 63-18-101, *et seq.*, including the discipline of licensees, as well as those who are required to be licensed, who violate the Licensure Act and the Rules promulgated by the Board, Official Compilation of Rules and Regulations of the State of Tennessee (TENN. COMP. R. & REGS.), 0870-01-.01, *et seq.* The Board enforces the Licensure Act to promote and protect the health, safety and welfare of the public; accordingly, it is the policy of the Board to require strict compliance with the law and to apply the law to preserve the quality of massage therapy care provided in Tennessee.



## **II. Stipulations of Fact**

1. Respondent has at all times, pertinent hereto licensed by the Board as a massage therapist in the State of Tennessee, having been granted license number 3726 on January 15, 2003, which expired on January 31, 2021.
2. Respondent was employed as a licensed massage therapist at Massage Envy located at 11669 Parkside Drive, Farragut, TN 37934.
3. On July 22, 2020, Respondent was alleged to have performed a massage on a client, where Respondent inappropriately touched their person.

## **III. Stipulated Grounds for Discipline**

The stipulation of facts above are sufficient to establish that grounds for discipline of Respondent's massage therapist license exist. Specifically, Respondent has violated the following statutes or rules which are part of the provisions of the massage practice act, (TENN. CODE ANN. § 63-18-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

4. The stipulated facts in paragraphs (2) and (3) constitute a violation of TENN. CODE ANN. § 63-18-108:
  - (6) Is guilty of willful negligence in the practice of massage;
  - (7) Has violated any of the provisions of this part or any substantive rule promulgated under the authority of this part;
  - (12) Is guilty of unethical or unprofessional conduct.
5. The stipulated facts in paragraph three (3) constitute a violation of TENN. COMP. R. & REGS 0870-01-.02(3):

Sexual conduct, sexual activity, or sexualizing behavior involving a client is strictly prohibited at all times. A massage therapist may not initiate, arrange for, or engage in such activities, including if the client attempts to sexualize the relationship.

6. The stipulated facts in paragraphs three (3) constitute a violation of TENN. COMP. R. & REGS 0870-01-.19(1):

(n) Respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and autonomy, as well as the client's reasonable expectations of professional behavior.

#### IV. Stipulated Disposition

For the purpose of avoiding further administrative action with respect to this cause Respondent freely, intelligently, and voluntarily agrees to the following:

7. Respondent's license is hereby **REVOKED** beginning the effective date of this order.
8. Respondent shall pay one (1) Type A civil penalty in the amount of one-thousand dollars (\$1,000.00), representing one (1) incident of sexual misconduct by the Respondent.
9. Respondent must pay, pursuant to TENN. CODE ANN. § 63-1-144, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the State in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the State. The maximum amount for the assessment of costs shall be Five Thousand Dollars (\$5,000.00).
10. Within sixty (60) days from Assessment of Costs being sent to Respondent, Respondent must either pay the civil penalties and costs in full OR make arrangements for a payment plan with the Disciplinary Coordinator. If a payment plan is developed, all civil penalties and costs must be paid within one (1) year of the entry of this Order. Civil penalties and costs shall be paid by submitting a certified check, cashier's check, or money order payable to the State of Tennessee to the address below. Respondent's name and this case number must be put on the check or money order to ensure it is applied correctly: **17.49-233332A**
11. Proof of payment of all fines and costs as required above must be mailed or delivery to:

**Office of General Counsel  
Attn: Disciplinary Coordinator  
Tennessee Department of Health  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243**

or: [disciplinary.coordinator@tn.gov](mailto:disciplinary.coordinator@tn.gov)

#### **V. Representations of Respondent**

12. Respondent understands and acknowledges the allegations, charges, and stipulations in this Agreed Order.
13. Respondent understands the rights found in the Licensure Act and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing on the Notice of Charges to contest the charges and allegations, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.
14. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

15. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for any party.

#### VI. Notice

16. Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Databank and/or any similar agency.
17. A **violation** of this Order shall constitute a **separate violation** of the Massage Licensure Act, T.C.A. § 63-18-108(9), and is grounds for further disciplinary action by the Board against Respondent's license.
18. Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.
19. In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.
20. Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

## VII. POLICY STATEMENT

The Tennessee Massage Licensure Board takes this action in order to protect the health, safety, and welfare of people in Tennessee. The civil penalties in this order are also appropriate due to Respondent's failure to comply with the Board's rules.

## VIII. Approval by the Board

21. Upon the agreement of the parties and the record as a whole, this **AGREED ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Massage Licensure Board at a public meeting of the Board and signed this 6<sup>th</sup> day of February, 2024.

**ACCORDINGLY, IT IS ORDERED** that the agreements of the parties will, and hereby do, become the Final Order of the Board.

  
Chairperson/Acting Chairperson  
Tennessee Massage Licensure Board


PREPARED FOR ENTRY:

  
\_\_\_\_\_


Ronda Webb-Stewart (BPR# 032975)  
Senior Associate General Counsel  
Tennessee Department of Health  
665 Mainstream Drive  
Nashville, Tennessee 37243  
(615) 289-5379

2/6/2024  
DATE

**APPROVED FOR ENTRY:**

  
Dennis E. Marsh  
L.M.T. License Number 3726

2/6/2024  
DATE

  
Ronda Webb-Stewart (BPR # 032975)  
Senior Associate General Counsel  
Tennessee Department of Health  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243

2/6/2024  
DATE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true and correct copies of this document have been served upon Respondent, Dennis Eugene Marsh, by hand delivering same in United States regular mail and United States certified mail numbers, return receipt requested, with sufficient postage thereon to reach its destination to the following addresses:

621 Murry Drive  
Knoxville, TN 37912  
Certified Mail Number:7022 3330 0000 1419 3620

5943 Tennyson Drive  
Knoxville, TN 37909  
Certified Mail Number:7022 2410 0002 9735 2613

2532 Fair Drive  
Knoxville, TN 37918  
Certified Mail Number:7022 3330 0000 1419 3613

131 Lynwood Drive  
Knoxville, TN 37918  
Certified Mail Number:7022 3330 0000 1419 3606

1237 E Weisgarber Road  
Knoxville, TN 37950  
Certified Mail Number:7022 2410 0002 9735 2637

5727 Clinton Hwy  
Knoxville, TN 37912  
Certified Mail Number:7022 2410 0002 9735 2620

This 14<sup>th</sup> day of February, 2024.



Ronda Webb-Stewart  
Senior Associate General Counsel

**William Kirk LMT 1218**

The respondent is not present. Ms. Stewart asks to continue in default. The judge verifies that proper notice of chargers were given. Burke motions to proceed. Newberry seconds, and with none opposed, the motion carries. Ms. Stewart presents the case to the board. Kirk was found to be practicing sexual misconduct. Velker motions that the state has provided sufficient evidence. Newberry seconded and none opposed. The motion carries. Velker motions to accept the proposed order as written. Burke seconds and no one opposed. The motion carries.

**STATE OF TENNESSEE  
DEPARTMENT OF HEALTH**

<b>IN THE MATTER OF:</b>	)	<b>BEFORE THE TENNESSEE MASSAGE LICENSURE BOARD</b>
<b>WILLIAM DEWAYNE KIRK, RESPONDENT</b>	)	<b>DOCKET NO.: 17.49-234325A</b>
<b>MEMPHIS, TENNESSEE</b>	)	
<b>TENNESSEE LICENSE NO. 12318</b>	)	

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**FINAL ORDER**

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This matter came to be heard before the Tennessee Massage Licensure Board ("Board") on February 6, 2024, pursuant to a Notice of Charges issued against Respondent by the Division of Health-Related Boards of the Tennessee Department of Health ("State"). Presiding at the hearing was the Honorable Judge Kim Summers, appointed by the Tennessee Secretary of State, Administrative Procedures Division. The State was represented by Ronda Webb-Stewart, Senior Associate General Counsel. Respondent was not present and was not represented by counsel. Counsel for the State made a motion pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 4-5-309 to find the Respondent in default. In support of its motion, the State provided information from a prior motion granted by the Judge deeming service in this matter. By majority vote, the Board **GRANTED** the State's motion to find the Respondent in **DEFAULT** and to conduct the proceeding without the participation of the Respondent.

After consideration of the testimony, the documentary evidence, and the record as a whole, the Board finds as follows:

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## FINDINGS OF FACT

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1. Respondent has been at all times pertinent hereto licensed by the Board as a massage therapist in the State of Tennessee, having been granted license number 12318 on July 20, 2018, which expired April 7, 2021.
2. Respondent was employed as a licensed massage therapist at Natural Body Spa located in Chattanooga, TN.
3. On May 8, 2019, Respondent performed a massage on a client, where he placed his fingers inside her panties, massaged her breast tissue, and once she covered her breasts, he became aggressive and placed both his hands on her throat.
4. Due to additional complaints surrounding draping issues and inappropriate massage techniques, Respondent was terminated as a massage therapist.

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## CONCLUSIONS OF LAW

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The findings of fact above are sufficient to establish that grounds for discipline of Respondent's massage therapist license exist. Specifically, Respondent has violated the following statutes or rules which are part of the provisions of the massage practice act, (TENN. CODE ANN. § 63-18-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

5. The facts in paragraphs two (2) through four (4) constitute a violation of TENN. CODE ANN. § 63-18-108:
  - (6) Is guilty of willful negligence in the practice of massage;
  - (7) Has violated any of the provisions of this part or any substantive rule promulgated under the authority of this part;



- (12) Is guilty of unethical or unprofessional conduct.
6. The facts in paragraphs four (4) constitute a violation of TENN. COMP. R. & REGS 0870-01-.02:
- (1) Proper draping technique is of the utmost importance when performing massage therapy to ensure the comfort and safety of the therapist and the client. At all times massage therapists must provide draping and treatment in a way that ensures the safety, comfort and privacy of the client.
  - (2) Before beginning a massage, the therapist must explain to the client the draping techniques that will be used and provide the client a clean drape large enough for the purpose of draping the buttocks and genitalia and, in the case of female clients, the breasts. Such body parts must remain covered except during therapeutic treatment of those specific areas, with the exception of the genitalia, which shall always remain covered.
  - (3) Sexual conduct, sexual activity, or sexualizing behavior involving a client is strictly prohibited at all times. A massage therapist may not initiate, arrange for, or engage in such activities, including if the client attempts to sexualize the relationship.
7. The facts in paragraphs three (3) constitute a violation of TENN. COMP. R. & REGS 0870-01-.19(1):
- (n) Respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and autonomy, as well as the client's reasonable expectations of professional behavior.
8. The facts in paragraphs three (3) through four (4) constitute a violation of TENN. CODE ANN. § 63-1-134 reads in pertinent part:
- (a) With respect to any person required to be licensed, permitted or authorized by any board, commission or agent attached to the division of health related boards, each respective board, commission or agency may assess a civil penalty against such person in an amount not to exceed one thousand dollars (\$1,000.00) for each separate violation of a statute, rule or order pertaining to such board commission or agency. Each day of continued violation constitutes a separate violation.

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## ORDER

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THEREFORE, in consideration of the above Findings of Fact and Conclusions of Law, it is ORDERED, ADJUDGED, and DECREED as follows:

9. Respondent's license is hereby **REVOKED** beginning the effective date of this order.
10. Respondent shall pay one (1) Type A civil penalty in the amount of one-thousand dollars (\$1,000.00), representing one (1) incident of sexual misconduct by the Respondent.
11. Respondent must pay, pursuant to TENN. CODE ANN. § 63-1-144, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the State in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the State. The maximum amount for the assessment of costs shall be Five Thousand Dollars (\$5,000.00).
12. Within sixty (60) days from Assessment of Costs being sent to Respondent, Respondent must either pay the civil penalties and costs in full OR make arrangements for a payment plan with the Disciplinary Coordinator. If a payment plan is developed, all civil penalties and costs must be paid within one (1) year of the entry of this Order. Civil penalties and costs shall be paid by submitting a certified check, cashier's check, or money order payable to the State of Tennessee to the address below. Respondent's name and this case number must be put on the check or money order to ensure it is applied correctly: **17.49-234325A**
13. Proof of continuing education and payment of all fines and costs as required above must be mailed or delivery to:

**Office of General Counsel  
Attn: Disciplinary Coordinator  
Tennessee Department of Health**

665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243

or: [disciplinary.coordinator@tn.gov](mailto:disciplinary.coordinator@tn.gov)

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## POLICY STATEMENT

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The Tennessee Massage Licensure Board takes this action in order to protect the health, safety, and welfare of people in Tennessee. The civil penalties in this order are also appropriate due to Respondent's failure to comply with the Board's rules.

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## RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW

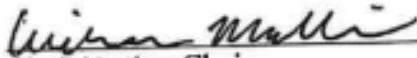
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Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

So **ORDERED** by the Tennessee Massage Licensure Board this 6<sup>th</sup> day of February  
2024.

  
Chair/Acting Chair  
Tennessee Massage Licensure Board

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true and correct copies of this document have been served upon Respondent, William D. Kirk, by hand delivering same in United States regular mail and United States certified mail numbers, return receipt requested, with sufficient postage thereon to reach its destination to the following addresses:

2150 Laura Street  
Chattanooga, TN 37406  
Certified Mailing Number: 7022 3330 0000 1419 3736

3401 Campbell Street  
Chattanooga, TN 37406  
Certified Mailing Number: 7022 0410 0003 4911 0792

2200 Amnicola Hwy  
Chattanooga, TN 37406  
Certified Mailing Number: 7022 3330 0000 1419 3743

1015 Lee Avenue Apt 4  
Rossville, Ga 30741  
Certified Mail Number: 7022 2410 0001 1540 4845

This 14<sup>th</sup> day of February, 2024.

*Ronda Webb-Stewart, Esq*

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Ronda Webb-Stewart  
Senior Associate General Counsel

**The meeting is adjourned.**