

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**May 13, 2019**

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

Members Present: Marvis A. Burke, LMT, Chairperson  
Cynthia Jagers, LMT, Secretary  
Ed Bolden, LMT  
Bill Mullins, LMT  
Virginia P. Yarbrough, LMT

Member Absent: Christi Cross, Public Member  
Michael Velker, Public Member

Staff Present: Kimberly Hodge, Board Manager  
Ruth Stewart, Board Administrator  
Kimberly Wallace, Unit 3 Director  
Marc Guilford, Office of General Counsel

The meeting was called to order at 9:08 a.m. by Ms. Marvis Burke, Chairperson. Ms. Burke welcomed and acknowledged the therapists, schools, and students present and joining online. Ms. Burke stated that the reason the Board exists is to protect the health, welfare, and safety of the people of Tennessee. Ms. Burke also thanked Officer Gary Mathis for his service to the Board. Prior to conducting business, Kimberly Hodge conducted a roll call to establish a quorum. A quorum was established.

Ms. Hodge introduced Mr. John Tidwell, new Director of Health Related Boards. Mr. Tidwell spoke briefly and stated that he looked forward to working with the Board.

**Presentation by the Department to Recommend Withdrawal of the Proposed Rules to Increase Licensure Fees**

Ms. Noranda French reviewed the Board's discussion and decision from the February 11, 2019 Board meeting to hold a Rule Making Hearing to increase the renewal fees for massage therapists and massage establishments at the May 12, 2019 board meeting. Ms. French reminded the Board that without a Rule Making Hearing, the only expenditure the Board is permitted to vote on is the travel expenditures. Ms. French stated that the amount currently allocated to travel expenses was \$16,200.00. She reminded the Board that they had considered sending fewer Board members to conferences and training to cut this expense. Ms. French reviewed the Board's decision at the last meeting to not change any Board policies with regard to enforcement, since

this would not support the Board's stated purpose to protect the health, welfare, and safety of the people of Tennessee. Ms. French said at the last meeting, the Board decided to move forward with developing a less cumbersome process for licensure by reciprocity for massage therapists licensed in other states. She stated that this process, if the Board chooses to implement it, would most likely go into effect during the 2020 fiscal year, and could bring in more initial licensure fees. Ms. French stated that House Bill 0296 had passed, and was awaiting the Governor's signature. She stated that due to this bill's passage, the Board stood to lose an estimated \$27,228.00. Ms. French stated that the possible change in the licensure by reciprocity process could offset this loss. Ms. French stated that another possibility the Board was informed of at the February 2019 meeting was the legislature possibly granting the Board permission to use the Board's carryover reserve account to pay for enforcement costs. Ms. French stated that the systems now in place separating out advisory costs from enforcement costs would give the Board and the legislature an exact accounting of the enforcement costs. Ms. French anticipates a decision from the legislature on this matter soon.

Ms. French stated that she was here at this meeting because the Board had expressed that they really did not want to raise fees on their applicants and licensees. She stated that an option they could take would be to wait to see how the new licensure by reciprocity; the reduction in the number of Board members that attend conferences; and whether the legislature would approve the use of the carryover reserve account for enforcement costs would affect the Board's revenue. Ms. French stated that should the Board vote to not proceed with the Rule Making Hearing to increase fees, they would need to expect to close in the red for the 2019 Fiscal Year. The Board should also expect another Sunset Bill, and another meeting with the legislature to explain their lack of self-sufficiency in the 2020 Legislative Session. Ms. French further stated that she expected that if the legislature should approve the use of the carryover reserve account to pay enforcement costs, this decision would be made in the next few weeks, and would be in effect as early as the 2020 Fiscal Year.

After some discussion, a motion was made by Mr. Mullins, seconded by Ms. Yarbrough and Mr. Bolden, to withdraw the proposed rule to increase fees for the Board's licensees and applicants. Mr. Mullins pointed out that depending on the legislature's decision about the use of the carryover reserve account, the Board may have to revisit proposing a rule to increase fees. Ms. Hodge requested a roll call vote. The motion carried unanimously.

#### **Approve the Minutes from the February 11, 2019 Board Meeting**

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the minutes from the February 11, 2019 Board meeting as written. The motion carried.

#### **Applicant Interviews**

Ms. Burke introduced Ms. Jiao Hoggard, the interpreter for the applicant interviews. Ms. Hoggard confirmed that she was able to communicate effectively with all the applicants that requested an interpreter. Ms. Burke reminded the Board members to allow time for translation.

### **Dongmei Ni**

Ms. Ni applied for a massage therapist license and was present at this meeting to answer concerns regarding her current massage therapist application. Ms. Ni had been denied by the Board for massage therapist licenses twice before and there are no changes in her new application. She also owned and operated an unlicensed massage establishment and on January 20, 2015, Metro Nashville police executed a search warrant and found semen on all massage tables in Ms. Ni's establishment. Ms. Ni signed a consent order confirming these results, which placed Ms. Ni's reflexology license on probation for "engaging in unprofessional conduct and performing full body massage without a proper license". Ms. Ni's work history shows that she worked as a massage therapist in California as early as 2012, but was not CAMTC certified until July 20, 2018. On her massage application, Ms. Ni checked "no" to the question about whether she had ever applied for a massage therapist license and been denied. The translator, Ms. Jiao Hoggard, translated the Board's questions about Ms. Ni's application for a massage therapist license.

Ms. Hodge clarified for the Board that California did not require certification of massage therapists until about 2015. In response to a question from Ms. Burke, Ms. Ni stated that she speaks, reads, and understands some English. In response to questions from Dr. Bolden, Ms. Ni stated that she did not remember the events in 2015 that lead to the consent order, but that she did remember signing the order in 2018 that placed her Tennessee reflexology license on probation. These events included the search warrant that was executed in January 2015; observation that Ms. Ni performed full body massage in April 2015; and that during the same visit a nude male client was observed lying on a massage table and stated that he was there for a massage, and there were no licensed massage therapists present in the establishment. A motion was made by Dr. Bolden, seconded by Ms. Jaggars, to deny Ms. Ni's application for a massage therapist license. After brief discussion and hearing from Ms. Ni further, the motion carried.

### **Jingli Su**

Ms. Su applied for a massage therapist license, and was present at this meeting to answer concerns including: inconsistencies in school transcripts, course catalogue, and breakdowns of hours with no explanation from the school. The school she attended was placed on probation by the state due to lack of proper record keeping during the time Ms. Su attended and graduated. The translator, Ms. Jiao Hoggard, stated that Ms. Su told her she did not need translation services. Ms. Hoggard stood by in case her services were needed, and did do some translating of the Board's questions for Ms. Su. In response to a question from Ms. Burke, Ms. Su stated that she can read, write, and speak English. After hearing from Ms. Su, there was much discussion about whether the Board can know from the documents provided by the school whether or not Ms. Su met the educational requirements for licensure. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve Ms. Su's application for a massage therapist license. The motion carried.

### **Xuemei Zhang**

Ms. Zhang applied for a massage therapist license, and was present at this meeting to answer concerns that Ms. Zhang's MBLEx scores indicate that she passed the MBLEx in July 2012, when her transcript and attendance sheets show that she attended massage school from

December 2017 to May 2018. Ms. Zhang told the administrative office that she began massage school earlier, but dropped out, so the Board's Administrative office requested attendance sheets from her massage school for the time period that she previously attended the school. The massage school stated they did not keep records that far back.

The translator, Ms. Jiao Hoggard, stated that Ms. Zheng told her she did not need translation services. Ms. Hoggard stood by in case her services were needed. In response to a question from Ms. Burke, Ms. Zhang stated that she can read, write and speak English. Ms. Zhang explained that due to medical issues connected to her pregnancy, she was unable to complete massage school when she began it in 2010, but that she went back to school and completed the entire program from December 2017 through May 2018.

Ms. Burke announced a brief break. When the Board reconvened, Ms. Hodge took a roll call. Dr. Bolden, Mr. Mullins, Ms. Jagers, Ms. Burke, and Ms. Yarborough were all present.

Ms. Hodge stated that the documentation received in the administrative office shows that Ms. Zheng attended the massage school from February 2012 to June 2012, and then took the MBLEx in July 2012. Ms. Hodge stated that since that time, this school, Tokyo Beauty School, had their approval revoked by the State of Florida. Ms. Hodge pointed to the three different addresses on the educational documentation received from Tokyo Beauty School. Ms. Hodge stated that not notifying Florida of address changes or of an additional campus was one of the reasons the school's approval was revoked. The Board heard from Ms. Zheng, Ms. Hodge, and Mr. Guilford about the school, and from Dr. Bolden about the requirements to take the MBLEx exam in 2012. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve Ms. Zhang's application for a massage therapist license. The motion carried.

#### **Yanli Du, LMT – Oriental Meridian Massage**

Ms. Du applied for a massage establishment license for Oriental Meridian Massage at 224 South Peters Road, Suite 203, Knoxville, TN 37923 and was present at this meeting to answer the Board's concerns about her application including: There was another establishment license at this location which expired in April 2019, and that at the February 12, 2018 Board meeting, Ms. Du was denied an establishment license for Oriental Wellness Massage at a different location because the establishment was open and operating without an establishment license. Ms. Du stated that she did not need interpreter services, and addressed the Board in English. The Board heard from Ms. Hodge and Mr. Guilford, who both emphasized that Ms. Du was only present as a result of her previous denial, and that there was no evidence that the current establishment was open and operating without a license. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve Ms. Du's application for a massage establishment license. The motion carried.

#### **Hu Nan, LMT – Pressure Massage**

Mr. Nan applied for a massage establishment license for Pressure Massage at 111 Broyles Drive, Suite 3, Johnson City, TN 37601 and was not present at this meeting to address the Board's concerns about his application. The Board was concerned that the establishment had been open and operating without a license; unlicensed individuals were found performing massage therapy at the establishment a year prior; the establishment has posted massage advertisements on Yelp and there

were reviews of massage services; and that state investigators went to the establishment and observed clients being served. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to proceed in default. The motion carried. After a brief discussion, a motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to deny Mr. Nan's application for a massage establishment license. The motion carried. The Board also directed the administrative office to have a case opened against Mr. Nan's massage therapist license.

**HuiDong Tian, LMT, and Chunhua Wang Dickey – Spa Yang Sheng Tang Inc.**

Ms. Tian and Ms. Dickey applied for a massage establishment license for Spa Yang Sheng Tang, Inc. at 2400 Madison Street, Suite 9, Clarksville, TN 37043, and were present at this meeting to answer the Board's concerns about their application. The Board was concerned that the establishment was open, operating, and advertising massage without a massage establishment license; one of the advertisements featured a photograph of one of the owners holding money; reviews were posted online giving reviews of massage services obtained at this establishment; the establishment Facebook page promoted massage therapy services; and that only one licensed massage therapist was listed on the massage establishment application. The translator, Ms. Jiao Hoggard, translated the Board's questions about Ms. Tian and Ms. Dickey's application for a massage establishment license. In response to questions from Dr. Bolden, the applicants stated that the establishment was open and operating without a license; that as far as the applicants knew, there has never been a massage establishment license at that location; that they saw three or four clients a day; that they had three massage rooms; and that Ms. Tian was the only licensed massage therapist working there. The applicants further stated that no massage services were being offered, or had been offered at this establishment. The applicants stated that the only service provided was hypnosis. Dr. Bolden drew their attention to page 5 of the application file, which was a copy of a Groupon ad for the establishment and several reviews praising the massage the reviewers got at the establishment. Ms. Tian stated that while she was in China during the end of February through April 2019, massage might have occurred at the establishment. Ms. Tian explained that the coupon that advertised "therapeutic bodywork" and "Chinese tunia" was actually referring to hypnosis therapy. Ms. Tian and Ms. Dickey confirmed that while Ms. Tian was in China, Ms. Dickey was still at the establishment, running the business. In response to questions from Ms. Hodge, Ms. Tian stated that the dates she was in China were January 19 to February 20, 2019. Ms. Hodge stated that she initially said January to April 2019, and Ms. Hodge had a record of Ms. Tian coming to the administrative office in March 2019, and a photograph of Ms. Tian at the establishment in March 2019. Ms. Tian clarified that she did mean that she left in January and came back in February 2019. In response to questions from Mr. Guilford, Ms. Dickey stated that she is the person doing bodywork hypnosis in the establishment. Ms. Dickey stated that her bodywork hypnosis involves the practitioner pressing on trigger points located on the client's back, legs, arms, and head, while listening to relaxing music and instructions in English designed to relax the client. Ms. Dickey stated that some clients prefer to receive this therapy unclothed. In response to a question from Ms. Hodge, Ms. Dickey agreed that when Ms. Dickey came to see Ms. Hodge in March 2019, Ms. Hodge informed Ms. Dickey that she was not permitted to manipulate soft tissue in Tennessee without a massage therapist license. Ms. Dickey stated that she completed hypnosis bodywork training in New York. A motion was made by Mr. Mullins, seconded by Dr. Bolden, to deny Ms. Tian and Ms. Dickey's application for a massage establishment license. The motion carried.

**Sasha M. Carr**

Ms. Carr applied for reinstatement of her massage therapist license and was present at this meeting to answer the Board's concerns about her application. The Board's concerns were that Ms. Carr was advertising and practicing massage while her license was retired; Ms. Carr had been issued an Agreed Citation for practicing massage on a retired license, but Ms. Carr maintains that she did not practice massage during this time; and that documentation in the administrative file shows evidence of Ms. Carr working as a massage therapist while her license was retired. The Board heard from Ms. Hodge and Ms. Carr. In response to questions from Mr. Guilford, Ms. Carr stated that she does not have a website or a Twitter account where she advertises massage services. When Mr. Guilford and Ms. Hodge showed Ms. Carr photographs from a website and Twitter account advertising her services, Ms. Carr stated that these were "boudoir photos" she had done for herself, and that they had been stolen and posted on an "escort" site by Ms. Carr's ex, Alisha Adcock. She stated that she could provide copies of emails she sent to these sites demanding that the photos be taken down, and a copy of the police report where she had reported the photos stolen. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to defer Ms. Carr's application to the August 2019 Board meeting to allow Ms. Carr to bring copies of the relevant police report and emails for the Board to review. The motion carried.

#### **John Curtis, DC – Fort Campbell Chiropractic PLLC DBA Fort Campbell Massage**

Dr. Curtis applied for a massage establishment license for Fort Campbell Chiropractic PLLC DBA Fort Campbell Massage at 1881 B Fort Campbell Boulevard, Clarksville, TN 37042 and was present at this meeting to answer the Board's concerns about his application. The Board was concerned because, Dr. Curtis marked "no" to question (a) on his Ownership Proceeds and Disclosures form, stating that he was never convicted of a felony or misdemeanor. Dr. Curtis's criminal background check showed that he had been convicted of Public Intoxication in 1999 and 2006, and of Driving Under the Influence in 2008. Dr. Curtis also marked "yes" on his application indicating that the establishment was currently open and operating. The administrative office recommended that the Board make any approval of this license contingent upon Dr. Curtis submitting a corrected application and an additional \$95.00 application fee. Dr. Curtis explained to the Board that he thought the question on the Ownership Proceeds and Disclosure form only applied to felonies, and confirmed that he was convicted of the charges that showed up on his background check. Dr. Curtis confirmed that his office is open and operating as a chiropractic office, and that the online advertisement for massage services at that clinic has been taken down. He states that any clients requesting massage services have always been referred to their "sister office", United Chiropractic. Since his chiropractic office is no longer affiliated with United Chiropractic, he applied for an establishment license for his office location. Ms. Hodge confirmed that Dr. Curtis had already sent in all required documentation, a corrected application, and the additional \$95.00 application fee to the administrative office. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve Dr. Curtis's application for a massage establishment license. The motion carried.

#### **Laura Toole – Amara Wellness & Spa LLC**

Ms. Toole applied for a massage establishment license for Amara Wellness & Spa LLC at 10820 Kingston Pike, Suite 21, Knoxville, TN 37934 and was present at this meeting to answer the Board's concerns about her application. The Board was concerned that the establishment has been open, operating, and advertising massage services since October 12, 2018. When an investigator came to

the establishment in February 2019, and observed it open and operating, Ms. Toole claimed that she had submitted an establishment application in October 2018 and thought that she had met all the requirements for licensure. Records received in the administrative office show that Ms. Toole's proof of completion of the required 2 hour Tennessee massage law course was received in March 2019, her required criminal background check results were received in February 2019, and the only application on file for this establishment was received on February 22, 2019. Ms. Toole stated that she had a lot of different kinds of relaxation services provided at her spa, which she started in July 2018, including Lomi Lomi, which she said she knew involved massage. She stated that in the process of getting the business up and running she thought she had been approved for the massage establishment license in October 2019. Ms. Toole stated that since she already had a background check done for her real estate license, she did not think she needed to have another background check done for the massage establishment license. Ms. Toole stated that since she had sold 550 Groupons for massage services when she had opened the business, she felt she had to continue offering massage services to honor those Groupons, even knowing the establishment was not licensed. Ms. Hodge stated that the administrative office and the cash office never received the application Ms. Toole said she sent in October 2018. Ms. Toole stated that she had given copies of the application and cancelled check she submitted in October 2018 to the investigator. A motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to defer hearing this application until later that afternoon to give Mr. Guilford time to obtain this information from the investigative file for the Board to review. The motion carried.

#### **Jodi Mehlenbacher – Thrive Wellness LLC**

Ms. Mehlenbacher applied for a massage establishment license for Thrive Wellness LLC at 3309 Cummings Highway, Chattanooga, TN 37421 and was present at this meeting to answer the Board's concerns about her application. The Board concerns included that Ms. Mehlenbacher had previously been denied a massage establishment license at the Board's November 2015 meeting for Massey Medical Weight Loss Center, Inc. The grounds for that denial were that the establishment had been open, operating, and offering massage services without an establishment license. Ms. Mehlenbacher was an owner on the Massey Medical Weight Loss application. On her current application, Ms. Mehlenbacher had checked "no" to ever having been denied a license. Ms. Mehlenbacher stated that her business partner at the time had been majority owner of Massey Medical Weight Loss Center, Inc., and had managed the application process. Ms. Mehlenbacher stated that this process for the previous application had taken months, and that they had to call the administrative office to get any information on that establishment application leading up to the Board meeting in which it was denied. Ms. Mehlenbacher explained that she had not realized that the license was actually denied, and thought that the establishment was just being required to submit a new application. Ms. Mehlenbacher stated that being the minority owner in that business, she was unable to convince the majority owner to submit a new application. Since that time, Ms. Mehlenbacher stated that she was no longer in business with that individual, and that there was no massage going on in her current establishment.

Ms. Hodge stated that Ms. Mehlenbacher seemed to be correct as far as her current establishment was concerned, but that Ms. Hodge had placed evidence in this application file that the administrative office had in fact communicated deficiencies in a timely manner to Massey Medical Weight Loss, Inc. during their establishment application process. This included deficiency letters mailed to the establishment. Mr. Guilford reminded the Board and Ms. Mehlenbacher that the denial letter sent to

Massey Medical Weight Loss, Inc. stated the reason for the denial was that the establishment had been open and offering massage services without a license.

A motion was made by Dr. Bolden, seconded by Ms. Jagers, to approve Ms. Mehlenbacher's application for an establishment license contingent upon Ms. Mehlenbacher submitting a corrected application and a new \$95.00 application fee. The motion carried.

**Victoria Vanderbilt – Coral Salon & Spa**

Ms. Vanderbilt applied for a massage establishment license for Coral Salon & Spa at 1602 West Northfield Boulevard, Suite 300, Murfreesboro, TN 37129 and was present at this meeting to answer the Board's concerns about her application. Ms. Vanderbilt was required to obtain an evaluation from TnPAP, which she did, and no monitoring agreement was required by TnPAP as a result. After hearing from Ms. Vanderbilt, a motion was made by Dr. Bolden, seconded by Ms. Jagers, to approve Ms. Vanderbilt's application for a massage establishment license. The motion carried.

**Richard D. Varner – Healing Hands Restorative Massage LLC, DBA Healing Hands**

Mr. Varner applied for a massage establishment license for Healing Hands Restorative Massage LLC, DBA Healing Hands at 1412 Trotwood Avenue #85, Columbia, TN 38401 and was present at this meeting to answer the Board's concerns about his application. Mr. Varner was required to obtain an evaluation from TnPAP, which he did, and no monitoring agreement was required by TnPAP. After hearing from Mr. Varner, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve Mr. Varner's application for a massage establishment license. The motion carried.

**Michael Vernon Presley**

Mr. Presley applied for a massage therapist license, and was present at this meeting to answer the Board's concerns about his application. Mr. Presley was required to obtain an evaluation from TnPAP, which he did, and per TnPAP recommendations, Mr. Presley signed a 12 month monitoring agreement with TnPAP. After hearing from Mr. Presley, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve Mr. Presley's application for a conditional massage therapist license with the condition that Mr. Presley completes his signed TnPAP monitoring agreement. The motion carried.

**Michelle Lee McCullough**

Ms. McCullough applied for a massage therapist license, and was present at this meeting to answer the Board's concerns about her application. Ms. McCullough was required to obtain an evaluation from TnPAP, which she did not complete. She requested to come before the Board without TnPAP's advocacy. The TnPAP evaluator stated that the reason Ms. McCullough gave for not completing the evaluation was that she did not want to "drudge up the history surrounding her arrest/conviction/incarceration". Ms. McCullough stated that due to health issues, she was twice unable to provide a large enough specimen for the required drug testing, so she submitted a hair sample. When she was told the technician had not cut enough hair for that test to be completed, she scheduled and submitted a sample for another drug test, which came back negative. A letter from TnPAP in Ms. McCullough's application file confirmed this information. Ms. McCullough stated



that after hearing her explanation of her criminal history, the evaluator insisted that she apply for a presidential pardon, which Ms. McCullough did not want to do, saying that she preferred to leave that in the past. Ms. McCullough stated that upon declining to pursue a presidential pardon, the evaluator insisted upon her taking a polygraph test. Ms. McCullough declined, stating that she had had to pay for three out of the four drug tests, and could not also pay \$800.00 for a polygraph test. Ms. McCullough stated that as a part of the evaluation process, TnPAP had already required her to quit her job caring for an elderly couple in their home, and she simply was unable to pay for further testing. The Board heard from Ms. Teresa Phillips of TnPAP, who stated that the evaluator had expressed concerns about Ms. McCullough not being able to adequately explain her criminal history, and not being able to produce a large enough specimen for testing the first two times. Ms. Phillips stated that while she saw no note about asking Ms. McCullough to quit her job, caring for the elderly would be considered by TnPAP to be a healthcare job, even though a license is not required for it, and that TnPAP would generally recommend that an applicant stop working at that job until the evaluation could be completed and the applicant's safety to practice assured. Ms. Phillips stated that there was nothing in the evaluator's notes about a presidential pardon. In response to questions from the Board, Ms. Phillips stated that she was not aware of the cost of a polygraph test. After hearing more from Ms. Phillips, Ms. McCullough, and from Mr. Guilford about the new "Fresh Start" legislation and how Ms. McCullough's previous convictions would impact Ms. McCullough's application, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve Ms. McCullough's application for a massage therapist license. The motion carried.

#### **Amber Noel Sesler**

Ms. Sesler applied for reinstatement of her massage therapist license, and was present at this meeting to answer the Board's concerns about her application. Ms. Sesler had a 2009/2010 continuing education violation for failure to obtain 25 hours of continuing education. Ms. Sesler was expected to make up those hours, complete any penalty hours, and pay the fine of \$1,550.00 before her license could be reinstated. Ms. Sesler stated that she had already completed 20 hours of continuing education towards meeting that requirement. Ms. Hodge clarified that those 20 hours were required for reinstatement because Ms. Sesler's license had been inactive for more than 2 years, and could not count towards the 2009/2010 make up or penalty hours. Mr. Guilford explained that the continuing education case that came to his office about those hours was not pursued, because Ms. Sesler's license expired before action could be taken. Ms. Hodge confirmed that the fine was \$775.00 before the case was sent to the Office of General counsel, where the fine usually is doubled. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to grant Ms. Sesler a conditional license. The license was conditioned upon Ms. Sesler completing within 90 days a total of 31 hours of continuing education, including the 25 make up hours and 6 penalty hours, and paying a fine of \$1550.00 since the case had gone to the Office of General Counsel. The motion carried.

#### **Jennifer Anne Drews**

Ms. Drews had applied for a massage therapist license and was present at this meeting to answer the Board's concerns about her application. An evaluation of Ms. Drews' transcripts showed that she was short 75 hours of science according to Tennessee's educational requirements for licensure. Ms. Drews stated that when she received her second deficiency letter on March 1, 2019, she called and spoke with Ms. Ruth Stewart, and discussed the requirements for reciprocity licensure instead of licensure by examination. Ms. Drews stated that she was told that for reciprocity licensure, she would

still need to meet the specific educational requirements for licensure. Ms. Drews stated that the application did not state this. Ms. Drews stated that since the checklist for reciprocity on the application did not state that she had to meet the educational requirements, or be NCBTMB certified for the previous 5 years and be licensed and actively practicing in another state for the previous 5 years, she therefore met the requirements to be licensed by reciprocity. Mr. Guilford responded that the application instructions have some misleading information; however the Board's Rules require that an applicant must be certified by the NCBTMB for the previous five years as well as licensed and working as a massage therapist in another state for the previous five years in order to qualify for licensure by reciprocity. Ms. Drews stated that she took her national board exam in 2004 after graduating from massage school, and then completed her master's degree in science, which included over 700 hours in bioscience. Ms. Burke explained that the Board's Rules require that all hours considered towards licensure be completed at an approved massage school. Dr. Bolden suggested that Ms. Drews wait until the afternoon's discussion of possible changes to the Board's rules for reciprocity licensure. Ms. Hodge pointed out that even if the Board approved such changes this afternoon, it would be at least a year after that before such rules could go into effect. Ms. Hodge suggested that Ms. Drews might be able to consult a Tennessee massage school to see if they would accept her bioscience hours as transfer hours into their massage program, in which case the Board would be able to consider those hours towards licensure. After some further discussion, a motion was made by Dr. Bolden, seconded by Ms. Jagers, to defer Ms. Drews' application for licensure as a massage therapist until the next meeting, or until she was able to get her bioscience hours transferred to an approved massage school and become licensed through the administrative office. The motion carried.

### **Ashley Michelle Stafford**

Ms. Stafford applied for a massage therapist license, and was present at this meeting to answer the Board's concerns about her application. An evaluation of Ms. Stafford's transcripts showed that she was short 56 hours of science and 10 hour of ethics according to Tennessee's educational requirements for licensure. Ms. Stafford asked the Board why her application had been denied, since her education was completed at an approved massage school and she had years of practice in other states. Ms. Hodge clarified that the application had not been denied, that only the Board, and not the administrative office, could make such a decision. Ms. Hodge stated that Ms. Stafford had never been denied a massage therapist license in Tennessee. Dr. Bolden explained that Ms. Stafford had not met the Board's educational requirements for licensure in the areas of science and ethics. After hearing further from Ms. Stafford and Ms. Hodge, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to defer Ms. Stafford's application for licensure as a massage therapist until the next meeting, or until she was able to get her college anatomy hours transferred to an approved massage school and become licensed through the administrative office. The motion carried.

### **Review Board Correspondence**

#### **Maj-Lis Nash, LMT – Communication with LMT's**

The Board heard from Ms. Nash in person regarding her email regarding communication with LMT's. Ms. Nash expressed concern with the mass emails going out from the Board's administrative office, since many recipients hit "reply all", and her email box was inundated with replies. Ms. Hodge responded that usually she will blind-copy all recipients on such an email, but

with the email about the Rule-making hearing, she wanted to be transparent that all LMT's were being notified, since there had been so much public interest. Ms. Hodge stated that any further e-mails would be blind copied to licensees.

**Maj-Lis Nash, LMT – CE Broker**

Ms. Nash provided information to the Board regarding CE Broker. Ms. Nash suggested that the Board consider using CE Broker as a way to cut expenses associated with the continuing education audit process. Ms. Nash stated that CE Broker already had contracts with two other Tennessee health related boards and that the AMTA is in favor of the Board allowing but not requiring licensees to use CE Broker. In answer to questions from Ms. Burke, Ms. Nash stated that she believed that using CE Broker would raise the percentage of therapists in compliance with the continuing education requirements, and that using CE Broker would involve requiring all continuing education providers to submit their class completion information to CE Broker. Ms. Nash stated that this would make it easier for therapists who are licensed in other states that use CE Broker to prove compliance with continuing education requirements. Ms. Hodge spoke to her discussion with other Tennessee health related boards staff whose boards are currently using CE Broker for their licensees. Ms. Hodge stated that none of the boards yet mandate by rule that their licensees use CE Broker, and that they all continue to pull an audit report every month. Ms. Hodge stated that it seemed to be these boards' experience that the convenience seemed to be for the licensees, having a central place to store all their continuing education certificates. Ms. Hodge stated that the use of CE Broker in these boards has not changed the administrative audit process at all. Ms. Hodge reported that the Dental Board is still having to review each certificate they receive from CE Broker to confirm their authenticity and approval. Ms. Kimberly Wallace, Unit 3 Director, said that the Veterinary Board had voted at their last meeting to contract with CE Broker. Ms. Wallace stated that in her research into other Tennessee health related boards using CE Broker, the Chiropractic Board had allowed their licensees to voluntarily participation in CE Broker, and their participation in CE Broker was up to just over 60 percent. Ms. Wallace stated that the Chiropractic Board was considering the possibility of making participation in CE Broker mandatory for their licensees. Ms. Wallace stated that the Veterinary Board was currently at the stage of submitting to CE Broker their continuing education requirements for each profession regulated. Ms. Wallace stated that she had recently discovered that CE Broker was the third-party administrator for the Veterinary Board's association. Ms. Wallace stated that at least at first, participation in CE Broker will be voluntary for Veterinary Board licensees. Ms. Nash stated that if the Board decided to use CE Broker, the Tennessee massage schools could get their students set up to use the system as a part of their course.

Ms. Nash also asked that the Board consider not continue using TnPAP as the Board's professional assistance program, due to problems encountered by applicants. Ms. Nash stated that when she "followed the money trail", it looked fishy". Ms. Nash asked that the Board include an agenda item at a future meeting to discuss discontinuing the Board's contract with TnPAP.

**Lorena Haynes, FSMTB**

Lorena Haynes, of the FSMTB, spoke about the FSMTB's national database that is being put together which includes compilation of continuing education records. Ms. Haynes pointed out that with CE Broker; they compile records for each single state, whereas the FSMTB's licensing database will be available across the country. Ms. Haynes noted that both systems require the continuing

education providers to upload completion certificates, and that if the Board chose to use CE Broker now and then add the FSMTB's program later, that would force continuing education providers to upload to two different systems. Ms. Haynes also noted that the FSMTB's national database will include discipline on licensee's licenses, in addition to keeping a record of their continuing education. Ms. Haynes stated that the FSMTB's system will also differ from CE Broker in that it will not include an option for licensees to upload their own previously earned continuing education certificates.

In answer to questions from the Board, Ms. Haynes stated that there will be no cost to the Board, the licensees, or the continuing education providers for the use of the FSMTB's national database. Ms. Haynes stated that the FSMTB had done multiple rounds of beta testing of their system, and that the system should be available in a few months. Ms. Haynes stated that the FSMTB was continuing to upload data from participating state regulatory boards, and that the process of data accumulation into the system would continue over time.

Ms. Hodge confirmed that even if the Board chose to use CE Broker, the administrative office would still be responsible for reviewing all audit documentation, so it would not significantly change anything about the administrative office's workload. Mr. Guilford stated that using CE Broker could mean that the administrative office would not have to send out audit letters, but that this change would require a Rule change hearing for the Board. Mr. Guilford observed that it did not seem that the Board had enough information to make a decision on this issue today.

Ms. Burke stated that the Board was putting together a development sub-committee consisting of three Board members that would meet at the end of the first or second day of the August 2019 Board meeting, and would be open to the public. Ms. Burke recommended that the issue of the use of either CE Broker or the FSMTB continuing education national database be the first issue taken up by this sub-committee. Ms. Hodge suggested that the Board invite both CE Broker and a representative for the FSMTB national database be invited to present at the August 2019 meeting of the development sub-committee so that the committee could get as much information as they needed to make a fully informed decision before making a recommendation to the Board. Ms. Hodge went on to explain that the development sub-committee is intended to take on issues which the Board decides need extensive research and discussion, and also allow ample time at their public meetings for members of the public to voice their opinions on those important issues.

Ms. Burke asked for volunteers from the Board to serve on the development sub-committee. Dr. Bolden, Ms. Yarbrough, and Mr. Mullins volunteered to serve. The committee members agreed to make a decision on the second day of this Board meeting about which of them would chair the committee.

The Board broke for lunch. When the Board reconvened, Ms. Hodge conducted a roll call. All members who were present before lunch were present for the afternoon.

#### **Laura Toole – Amara Wellness & Spa LLC**

Mr. Guilford stated that he had accessed the Amara Wellness & Spa, LLC file from his office, and had made copies for the Board and Ms. Toole of everything regarding the application Ms. Toole stated she sent in October 2018 and was given to the Department's investigator when they went to

Amara Wellness & Spa LLC in February 2019. Ms. Toole was still present to answer the Board's concerns. Dr. Bolden stated that he saw a printout from a QuickBooks program, but no cancelled check. Mr. Guilford reiterated that this was everything that was given to the investigator. Ms. Toole stated that she continued to offer massage at her establishment in order to honor her previously issued Groupons even after the investigator came to her establishment, and she realized she did not have a massage establishment license. Ms. Toole stated that the investigator told her that they could not tell her not to offer massage, but that she would have to wait to receive a letter from the Board. She stated that she currently had three licensed massage therapists working at her establishment. Ms. Toole stated that she had posted her business license, thinking that was her establishment license certificate. Ms. Hodge called the Board's attention to the Board's unlicensed establishment enforcement policy. Ms. Toole stated that as of the date of this meeting, as far as she knew, the check she wrote to the State of Tennessee and sent with her original establishment license application has not been cashed or deposited. Ms. Toole stated that she was told by another establishment owner that she did not have to take the two hour Tennessee massage law course or have a criminal background check done for a massage establishment license application. Ms. Burke asked Ms. Toole why she had not reached out to the Board's administrative office to get her questions answered. Ms. Toole responded that she ran six businesses and raised two kids, and that it was really hard to do everything. In response to questions from Mr. Guilford, Ms. Toole stated that her establishment had started offering massage services in October 2018, and was still offering massage services currently. Ms. Toole stated that her establishment offers between 15 and 20 massages a week, and that there are three massage rooms in the establishment. She then said that only one of those rooms was used for massage, and that the other two rooms were used for other services. Ms. Toole then stated that upon receiving a letter from the administrative office on April 4, 2019, the establishment stopped offering massage. Ms. Toole went on to say that the establishment still offered other services, such as Reiki, reflexology, and raindrop therapy. Ms. Burke pointed out that raindrop therapy involved manipulation of soft tissue. Ms. Toole stated that the raindrop therapy practitioner was an ordained minister, and therefore exempt from the Board's licensing requirements. Ms. Burke stated that since raindrop therapy involved manipulation of soft tissue, those practitioners must be licensed massage therapists. Ms. Toole stated that the raindrop practitioner had told her she did not need a massage therapist license. Ms. Toole stated that this is the sixth business she runs, not counting real estate, and she realized that she had made mistakes. Ms. Jagers pointed out that in Ms. Toole's advertising materials; raindrop therapy is described as including massage techniques. Ms. Toole maintained that raindrop therapy only involves light touch, and is therefore not massage. Ms. Jagers and Ms. Burke voiced their disagreement. Ms. Yarbrough asked Ms. Toole if she had ever thought of calling the Massage Licensure Board to find out what she needed to do to be licensed. Ms. Toole answered no.

After much discussion, a motion was made by Ms. Jagers, seconded by Mr. Mullins, to approve a conditional massage establishment license for Ms. Toole. The conditions required Ms. Toole to pay a civil penalty of \$1,000.00 for operating an unlicensed massage establishment for several months. The motion carried. Ms. Burke requested that cases be opened on the licenses of all massage therapists working at Amara Wellness & Spa, LLC.

#### **Discuss and Consider request for Continuing Education Waiver**

**Kasie L. Dunning, LMT**

After much discussion, and hearing from Mr. Guilford and Ms. Hodge, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to deny Ms. Dunning a waiver for 24 hours of continuing education for the cycle of 2019/2020. The motion carried.

**Melanie Sircy, LMT**

After much discussion, and hearing from Ms. Hodge, a motion was made by Ms. Yarbrough, seconded by Dr. Bolden, to deny Ms. Sircy’s request for a waiver for 20 hours of continuing education for the cycle of 2017/2018. The motion carried.

**Receive Reports and/or Requests from the Board Director/Manager**

This is an Administrative Report from Kimberly Hodge, Board Director. The information contained in this report will keep the Board aware of all essential activity pertaining to licensure for Massage Therapists and Massage Establishments.

**STATISTICAL REPORT**

As of May 9, 2019 there were 4,408 licensed massage therapists and 1,781 licensed massage establishments.

Following is the license status since the last meeting:

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>February 2019</b>	<b>February 2019</b>
Newly Licensed – 36	Newly Licensed – 22
Reinstate Applications – 8	Reactivation Applications – 5
Retired- 7	Retired – 7
New Applications- 19	New Applications- 33
	Address Change Application - 8

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>March 2019</b>	<b>March 2019</b>
Newly Licensed – 36	Newly Licensed – 39
Reinstate Applications – 5	Reactivation Applications – 5
Retired- 8	Retired – 5
New Applications- 30	New Applications- 30
	Address Change Application - 5

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>April 2019</b>	<b>April 2019</b>
Newly Licensed – 33	Newly Licensed – 24
Reinstate Applications – 9	Reactivation Applications – 4
Retired- 12	Retired -- 8
New Applications- 45	New Applications - 25
	Address Change Application - 7

**Receive Investigation/Disciplinary Report**

Ms. Lori Leonard, the Disciplinary Coordinator for non-nursing boards, presented the report. The Disciplinary Coordinator's office is currently monitoring 29 massage therapists under reprimand; 56 under probation; 29 under suspension; 16 under revocation, and 3 under child support suspension. This office is currently monitoring 32 massage establishments under discipline.

At this point in 2019, Investigations has opened 28 new complaints against massage therapists. Of those complaints, 4 were for sexual misconduct, 2 for criminal charges, 1 for malpractice/negligence, 2 for unlicensed practice, 13 for unprofessional conduct, 3 for lapsed license, 1 for criminal conviction, 1 right to know, and 1 continuing education violation. During this time, Investigations has closed 11 complaints. Of those complaints closed, 1 was closed for insufficient evidence, 7 were closed and sent to the Office of General Counsel for disciplinary action, 1 was closed with no action, and 2 were closed with a letter of warning. There are currently 56 open complaints against massage therapists that are being investigated.

At this point in 2019, Investigations has opened 34 new complaints against massage establishments. Of those complaints, 4 were for unlicensed practice, 26 for unprofessional conduct, 2 for lapsed license, and 2 were outside the investigative scope. During this time, Investigations has closed 4 complaints against massage establishments. Of those complaints closed, 2 were closed with no action, and 2 were closed with a letter of concern. There are currently 51 open complaints against massage establishments that are being investigated.

#### **Receive Financial Report**

There was no financial report presented at this meeting.

#### **Receive Continuing Education Audit Report**

There was no continuing education audit report presented at this meeting.

#### **Discuss Legislation (If Applicable)**

There was no legislation discussed at this meeting. Ms. Hodge stated that a legislative report would be presented at the August 2019 meeting.

#### **Receive Report from Office of General Counsel**

This report was brought by Mr. Marc Guilford of the Office of General Counsel.

#### **Litigation:**

The Office of General Counsel currently has about 84 open cases pertaining to the Massage Licensure Board, compared with about 90 in February 2019 and about 70 in November 2018. A significant number of cases will be resolved at this meeting by settlement agreement and by contested case hearings.

#### **Rulemaking:**

The rulemaking hearing to raise fees is noticed for the first day of the Board meeting, but the Department now supports withdrawing the rule instead of proceeding.

We will also discuss authorizing a rulemaking hearing to revise the reciprocity licensure process for applicants who are licensed in other states.

### **Legislation:**

SB0161/HB0492 (the Massage Board sunset bill) failed in the Senate Government Operations Committee. HB0296/SB0467 (the massage establishment license exemption for doctors' offices) was signed by the Governor on May 10, 2019. It has not yet been assigned a public chapter number. Office of General Counsel will email out the public chapter number to the Board once it is available.

Mr. Guilford stated that a question the Board will most likely discuss in the near future is what constitutes a doctor's "office". Dr. Bolden mentioned that the Board will need to know how this will impact a massage therapist who is renting a room from a medical or chiropractic office. Mr. Guilford stated that the law itself is very short and simple, and does not directly address this question. Mr. Guilford stated that this may be a topic for future rulemaking. Dr. Bolden and Mr. Mullins reminded the Board that according to Ms. French's estimate, this law may result in a loss in the Board's annual revenue of as much as \$27,000.

Mr. Guilford stated that he expected to have a presentation from the legislative liaison's office at the August meeting about bills passed this session that might affect the Board and the profession.

### **Tennessee Professional Assistance Program Statistical Report Regarding the Peer Assistance Program**

Ms. Teresa Phillips of TnPAP presented the report. Ms. Phillips stated that during the time from July 1, 2018 to March 31, 2019, TnPAP monitored 6 massage therapists and no massage establishment owners. Of those monitored, 5 were non-regulatory, and 1 was regulatory. During this time, TnPAP received 7 referrals of massage therapists. Of those referred, all 7 were referred by the administrative office due to arrest history. During this same time, TnPAP received 2 referrals of massage establishment owners. Both of these referrals came from the administrative office due to arrest history. During this time, TnPAP had 3 monitoring agreements in effect for massage therapists, and none for massage establishment owners. Thirteen massage therapists were discharged, along with the 2 massage establishment owners. Of those discharged, 3 of the massage therapists and the 2 establishment owners were discharged because upon evaluation, no monitoring agreement was found necessary; 3 therapists were evaluated and declined TnPAP's recommendations; 4 therapists were discharged upon completion of monitoring; and 3 therapists were discharged for non-compliance.

The Board's assistance to individual's expenditures included \$10,400.00 for toxicology screens and \$2,510.00 for evaluations, totaling \$12,910.00.

Ms. Phillips spoke to the internal and state audit procedures that TnPAP undergoes to ensure their financial responsibility, and invited questions from the Board. There were no questions at this time.

### **Ratify Agreed Citations for Continuing Education Violations and Lapsed Licenses**



**Continuing Education Violations**

**Tarsha Yvette Blaylock, LMT - 10765**

Ms. Blaylock agreed to pay a civil penalty in the amount of \$475.00 for failing to obtain thirteen (13) hours of continuing education during the 2015/2016 continuing education cycle.

**Debra Drue Carter, LMT - 6858**

Ms. Carter agreed to pay a civil penalty in the amount of \$300.00 for failing to obtain twenty-five (25) hours of continuing education during the 2015/2016 continuing education cycle.

**Ann Younger Classon, LMT - 3544**

Ms. Classon agreed to pay a civil penalty in the amount of \$775.00 for failing to obtain eleven (11) hours of continuing education during the 2015/2016 continuing education cycle.

**Michael De'Metris Goines, LMT - 8898**

Mr. Goines agreed to pay a civil penalty in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2015/2016 continuing education cycle.

**Beverly L. Gray, LMT - 10357**

Ms. Gray agreed to pay a civil penalty in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2015/2016 continuing education cycle.

**Bridget Lynn Herrington, LMT - 9628**

Ms. Herrington agreed to pay a civil penalty in the amount of \$600.00 for failing to obtain eighteen (18) hours of continuing education during the 2015/2016 continuing education cycle.

**Janice Paige Honeycutt, LMT - 8679**

Ms. Honeycutt agreed to pay a civil penalty in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2015/2016 continuing education cycle.

**April J. Hudson, LMT - 6709**

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

**Michelle T. Livingston, LMT - 4515**

Ms. Livingston agreed to pay a civil penalty in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2015/2016 continuing education cycle.

**Mary Ellen Lovingood, LMT - 3889**

Ms. Lovingood agreed to pay a civil penalty in the amount of \$175.00 for failing to obtain one (1) hours of continuing education during the 2015/2016 continuing education cycle.

**Jennifer R. Lusk, LMT - 6933**

Ms. Lusk agreed to pay a civil penalty in the amount of \$250.00 for failing to obtain eight (8) hours of continuing education during the 2015/2016 continuing education cycle.

**Shayla LaKenya McTaw, LMT - 9158**

Ms. McTaw agreed to pay a civil penalty in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2015/2016 continuing education cycle.

**Sa'Mia Mosley, LMT - 5208**

Ms. Mosley agreed to pay a civil penalty in the amount of \$325.00 for failing to obtain seven (7) hours of continuing education during the 2015/2016 continuing education cycle.

**Taucha Michelle Stewart, LMT - 2322**

Ms. Stewart agreed to pay a civil penalty in the amount of \$525.00 for failing to obtain fifteen (15) hours of continuing education during the 2013/2014 continuing education cycle.

**Elizabeth Shea Street, LMT - 7813**

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

**Veronica Kristen Thomas, LMT - 9944**

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

**Myong R. West, LMT - 8958**

Ms. West agreed to pay a civil penalty in the amount of \$725.00 for failing to obtain twenty-three (23) hours of continuing education during the 2015/2016 continuing education cycle.

**Melissa Renae Wilkes, LMT - 8727**

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

**Xiao Zhou, LMT - 10629**

Ms. Zhou agreed to pay a civil penalty in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2015/2016 continuing education cycle.

**Lapsed Licenses**

**Janine Marie Gray, LMT - 1977**

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

**Leslie Beth Gumaraes, LMT-9907**

Ms. Gumares agreed to pay a civil penalty in the amount of \$850.00 for practicing massage therapy on a lapsed license for ten (10) months.

**Allyson Harris, LMT – 7463**

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

**Rachel Holt, LMT, Owner, Relax & Repair – 4614**

Ms. Holt agreed to pay a civil penalty of \$500.00 for operating a massage establishment on a lapsed license for eight (8) months.

A motion was made by Dr. Bolden, seconded by Mr. Mullins, to ratify the Agreed Citations for continuing education violations and lapsed licenses. The motion carried.

**Ratification of New Licenses and Reinstatements/Reactivations**

**Massage Therapists**

Allison Kyle Sterling	Lomonaco Kimberly Faith
Anderson Shellie Caroline	Lyan Alexey P
Beech Brittany Leann	Manhardt Catherine Anne
Bivens Delaney Rayne	Markli Ginger Page
Boiano Renee Monique	Mengel Cynthia Ann
Bridgers-Carlos Aaron Edward	Morefield Sherry Ann
Bulliner Denise K.E.	Morissette Jenny Lynn
Cloyd Ashley Shani	Mullins Melissa Lynne
Cornett Bethany Anne	Nelson Georgianna Noelle
Cotton Justice Carolyn-Marie	Paul Melissa Sue
Court Christianne Karen	Pell Brandon Dewayne
Daniels Heather Breanna	Poole Guila Iona
Davis Malcom Jamal	Puffer Sarah Ann

Davison Anna Margaret	Ranz Chrystal Alexius
Dotson Tracy Georgia	Rinehardt Lauren E
Eimerman Denise Marie	Ritz Karli Beth
Elwood Jasmine Yvonne	Rockholt Marian Derr
Faul Rebecca Jane	Roff Bruce Kristopher
Ferge Kimberly Cairl	Rome Amber Melissa
Freise Leanne Michelle	Rose Christina Nichole
Funke Jessica Nicole	Rowlett Sarah Beth
Garbiras Salena	Ruiz Cruz Marly Diane
Georgiev Georgi Anglov	Santos Karen Renee
Gilmartin Christina Marie	Santucci Elisheba Ann
Graves Mallory Joyce	Severance Grant Forrest
Grissom Laurie Sparkman	Shelton Teshia M
Grissom Stacey Jan	Siebenberg Julia Nicole
Guy Mariah Michelle	Small Nancy Ruth
Hardin Caressa Bilone Lashea	Smith Hayley Madison
Harris Shewendolyn Chatmon	Smith Shelly Elizabeth
Harris Tationia Mercedes	Smith Stephanie
Hernandez Rebecca Christina	Starnes Chandler Blake
Hiatt Ashley Victoria	Swafford Karla Noelle
Howard Ross Lon	Tate Alexandria Elizabeth
Hughes Jessica Gayle	Thaxton Rachel S
Hutchinson Bradley Chase	Tiesler Kyle L
Jackson Addison Nicole	Weber Blane T
Johnson Melanie A	West Julia Kathryn
Johnson Tanya Gay	Williams Sidney Adam
Jones Katherine Anne	Winget Cara Nicole
Kinsey Ashley Elizabeth	
Kraus Gretta Gale	
Landreth Michelle Dennette	
Lawson Heather Renee	
Lee Ting Hsuan	

**Massage Therapist Reinstatements**

Amaru Xi-Ali Malakah Nabash	Horne Rita Arlene
Anderson Robert Maxwell	Johnson Rainye Lynette
Brown-Flynn Terry Ruth	Jones Brittany Fay
Carter Stephanie Chermaine	Lindenmuth Emily Theresa
Chapman Jesse William	Matthews Amy Suzanne
Davis Susan Carolann	Miller Lee Anne

Fabish Frances Rhiannon	Nagle Kimberly Danielle
Gilmore Debra S.	Pointer Angela Marie
Graham Mandy Michelle	Sandberg Regina Gail
Gray Janine Marie	Toler Kaitlyn Luisa
Haman Eric Joseph	Tomlinson Christine
Harris Allyson	Wallace Laura Eve
Hernandez Barbara Jo	
Hopkins Jacob Adam	

**Massage Establishments**

A Quintessential Therapeutics	Mountain Massage & Wellness
100 Percent Chiro Christoffer	Mule Town Barre
A Champion'S Touch	Muscle Therapy Massage
A Quintessential Therapeutics	Nashville Body Works
Aaron-Bridgers Carlos L.M.T.	Nature'S Healthway Llc
Absolute Massage Of Knoxville	Oz Health Inc DbA Scenic City Clinic Of Chiropractic
Asian Edgell Massage Therapy	Palo Santo Llc
Be Still And Breathe Salt Wellness Center Llc	Personal Household
Bliss Ashiatsu Massage	Piney Flats Chiropractic Center
Body Rhythms Massage Therapy At Robinwood	Pure Harmony Massage
C. S. Mccullough'S	Rejuvenating Massage
C4 Corner Stone Llc DbA 212 Cafe & Wellness Center	Rejuvenating Touch
Carla Moon	Relax & Repair
Cmj Massage	Renew You
Corey Michael Seaborn	Revitalist Llc
Cori Mallman Lmt	Rose Vaughn Massage Therapy
Daily Spa Dw DbA Daily Spa	Rosemary Gibson L.M.T.
DbA Mountain Massage	Rudder Chiropractic Center Llc
Diana L. Schneider Lmt	Salon 102
Dornbier Enterprise Inc DbA Wellspring Family Chiropractic	Salted Peace
Exhale Massage & Wellness Llc	Sandy Howard Lmt
Family Chiropractic Complex	Serene Squirrel Llc DbA True Dharma
Fernvale Healing Arts	Serenity Therapeutic Massage
Fresh Start Massage Therapy Llc	Sharon Howse Lmt
Full Steam Cross Fit	Simply Anointed

Genesis Massage And Relaxation Therapy	Sonya'S Massage Therapy
Golden Hands Massage Inc	Sos Massage
Gould'S Spa- Big Cypress Lodge	South Knox Healing Arts
Guided Hands Therapeutic Massage	Stephen Martin Massage
Hee Ling Palms	Studio C Salon
Human Nature	Studiok
Julia K. West Ba Lmt	Sun Massage Llc DbA Sunny Massage
Kari Precopia	The Salt Barn Llc
Kinetic Massage And Therapy	The Tonal Spine
Kneads & Knots	Therapeutic Massage
Maryland Farms Chiropractic Inc	Troutman Family Chiropractic
Massage & Oils @ The Wellness Studios	Upscale Male Spa & Skincare Llc
Massage By Brenna	Van Winkle Massage Therapy
Massage By Candi	Vida Chiropractic
Massage By Erin	Whole Family Massage
Massage In The Mountains	Yellow Bird Massage & Wellness
Massage Works/Dc Medical Services Inc. DbA Carney'S Family Clinic	
Massageworks	
Middle Tennessee Chiropractic & Sports Injury Pllc	
Mirror Mirror Hair Studio & Spa Inc	
Morter Family Chiropractic Pllc	

**Massage Establishment Reinstatements**

360 Massage Studios	Living Massage & Wellness
Bridget Jones "The Rejuvenation Center"	Lt 360 Massage
Connections Integrative Bodywork	Mind Body Connects
Down To Earth Massage & Wellness	N'Balance Massage Therapy
Energy Healing Inc.	Ohm Therapy (Optimum Health Massage Therapy)
Haley'S Hands Therapeutic Massage And Bodywork	Oliver Wellness And Massage
Kelly Hughes L.M.T.	Poplar Creek Spa Llc
Kristy'S Therapeutic Massage And Bodywork	Practical Massage Therapy

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to ratify the new licenses and reinstatements massage therapists and massage establishments. The motion carried.

### **Review Approval Requests for Continuing Education Courses and Providers**

#### **Jillian Shelton Ricks, LMT – Reiki I & Reiki II**

Ms. Ricks had a Consent Order from the Board against Ms. Ricks' therapist and establishment license, because she operated the establishment while its license was lapsed, and continued to practice as a massage therapist while the establishment license was lapsed. Ms. Ricks submitted evidence that all fines and costs associated with the Order had been paid in full as of April 30, 2019. After hearing from Ms. Hodge and Mr. Guilford, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve Ms. Ricks' continuing education course. The motion carried.

#### **Ratify Approved Continuing Education Courses**

Wanda Sharber-Miolen, LMT- Tennessee Law/Rules – 2 hours

Shanti Sheri Gonyea –Usui Tibetan Reiki I – 8 hours

Lora A. Williams, LMT – Tennessee Massage Law – 2 hours

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to ratify the approved continuing education courses. The motion carried.

### **Review Board Correspondence**

#### **Scott Bailey, LMT – Two Hour TN Law Class**

Mr. Bailey asked whether the live webinar format could be approved along with the live format as long as the class remained the same, except for the format. Ms. Hodge stated that there is no rule or formal policy regarding this requirement to have a separate course number for the same course in different formats, but that the Board had made that decision in a previous meeting. Mr. Bailey pointed out that the certificate should state “live” or “live webinar”, and that this is how the NCBTMB requires their continuing education providers to note the format of the class. Ms. Hodge confirmed that each course number does require a separate application and fee, but that the administrative office can change the requirement for separate course numbers for the same course in different formats at the Board's request. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve Mr. Bailey's request to the Tennessee Law course to be approved as one course with one course number and one course approval fee even if it is taught in two formats (live and live webinar) as long as the completion certificates indicate “live” or “live webinar”. The motion carried.

Mr. Bailey asked if other platforms, such as Facetime, could be used to meet the requirement of live interaction for a live webinar. Mr. Guilford and Ms. Hodge both responded that this would qualify as a live, interactive webinar.

#### **James Seeley, LMT – Establishment License**

Mr. Seeley, an LMT licensed in another state, asked if he would need a massage establishment license to come to Tennessee to practice massage at a festival for three consecutive weekends. After hearing from Ms. Hodge and Mr. Guilford, the Board's response to Mr. Seeley was first, that he would need a Tennessee massage therapist license to practice massage in Tennessee, and second, that the establishment question was still under consideration by a Board committee. Mr. Guilford stated that he hoped the committee would have recommendations about this kind of question about an establishment license by the August 2019 Board meeting.

### **Consent Orders**

#### **Thomas Bettini, LMT**

Mr. Bettini was currently licensed as a massage therapist in the state of Tennessee, and was actively licensed while he continued working at Back to Basics Massage Therapies, located at 2613 East Center Street, Kingsport, Tennessee 37664, owned by Bryan Renolds, LMT, after that location's massage establishment license expired On October 31, 2017. Mr. Bettini continued working as a massage therapist at this establishment through at least March 2018. This order imposed civil penalties totaling \$100.00, actual and reasonable costs of investigating and prosecuting this case not to exceed \$1,000.00, and places Mr. Bettini's massage therapist license on probation, to continue until all civil penalties and costs are paid. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the order as written. The motion passed.

#### **Terry Biggers, LMT**

Ms. Biggers was currently licensed as a massage therapist in Tennessee, and was actively licensed while she worked as a massage therapist from April 2017 to February 2018 at Smiley Chiropractic and Wellness Center in Madisonville, Tennessee, which has never been licensed as a massage establishment. Ms. Biggers did not own or operate the establishment. This order imposed civil penalties totaling \$200.00, actual and reasonable costs of investigating and prosecuting this case not to exceed \$1,000.00, and placed Ms. Biggers' massage therapist license on probation until all civil penalties and costs are paid. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the order as written. The motion carried.

#### **Donald Campbell, Jr., LMT**

Mr. Campbell was currently licensed as a massage therapist in Tennessee, and practiced massage therapy while his license was expired from August 2017 to October 2018. This order reprimanded Mr. Campbell's massage therapist license, imposed civil penalties totaling \$2,100.00, actual and reasonable costs of investigating and prosecuting this case not to exceed \$2,000.00, and placed Mr. Campbell's massage therapist license on probation until at least July 31, 2021, continuing until all costs and civil penalties are paid in full. A motion was made by Ms. Jagers, seconded by Ms. Yarbrough, to approve the order as written. The motion carried.

#### **Huiping Ding, LMT**



Ms. Ding's Tennessee massage therapist license, issued on October 3, 2017, was currently expired. Ms. Ding practice massage therapy prior to becoming licensed, including performing at least two full-body massages in October 2016. This order stipulated that Ms. Ding voluntarily surrender her massage therapist license, which the Board treats as revocation. This order also requires Ms. Ding to pay actual and reasonable costs of prosecuting this case not to exceed \$1,000.00. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the order as written. The motion carried.

**Deborah Dinkens, LMT**

Ms. Dinkens was currently licensed as a massage therapist in Tennessee, and was actively licensed while she worked as a massage therapist for about 9 months between 2015 and 2016 at Smiley Chiropractic and Wellness Center in Madisonville, Tennessee, which has never been licensed as a massage establishment. Ms. Dinkens did not own or operate the establishment. This order imposed civil penalties totaling \$200.00, actual and reasonable costs of investigating and prosecuting this case not to exceed \$1,000.00, and placed Ms. Dinkens' massage therapist license on probation until all civil penalties and costs are paid. A motion was made by Ms. Jagers, seconded by Ms. Yarbrough, to approve the order as written. The motion carried.

**Andrea Edwards, LMT**

Ms. Edwards was currently licensed as a massage therapist in Tennessee, and was actively licensed while she operated an unlicensed massage establishment at 201 Cherokee Street, Kingsport, Tennessee from August 2016 to March 2018. Ms. Edwards also worked at this unlicensed establishment as a massage therapist during this time. This order imposed civil penalties totaling \$4,500.00, actual and reasonable costs of prosecuting this case not to exceed \$2,000.00, and placed Ms. Edwards' massage therapist license on probation for at least one year, continuing until all civil penalties and costs are paid. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the order as written. The motion carried.

**Tracey Howell, LMT**

Ms. Howell was currently licensed as a massage therapist in Tennessee, and was actively licensed while operating and practicing in an unlicensed massage establishment, A Peaceful Escape Massage and/or Peaceful Escape Massage Therapy at Victoria's Unisex Salon, 154 Warren Avenue, Selmer, TN 37375 from January 2016 through November 2017. This order imposed civil penalties totaling \$1,150.00, actual and reasonable costs of prosecuting this case not to exceed \$2,000.00, and placed Ms. Howell's massage therapist license on probation for at least one year, continuing until all civil penalties and costs are paid. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the order as written. The motion carried.

**Asuka Johnson, LMT – Massage Elite**

Ms. Johnson was currently licensed as a massage therapist in Tennessee, and was actively licensed while owning and operating Massage Elite, a currently licensed massage establishment at 2021 Gallatin Pike North, Suite 201, Gallatin, Tennessee 37115. In February 2018, an investigator for the Department visited Massage Elite to investigate a complaint. While the investigator was there, Ms. Johnson, the only massage therapist working at the establishment at the time, opened the doors to

both massage rooms that had clients in them. In one room, the client was completely naked and undraped. This order requires Ms. Johnson to submit to the disciplinary coordinator proof of having completed an additional 10 hour core curriculum course in ethics in massage therapy, and an additional 5 hour core curriculum course in Tennessee massage statutes and regulations. Both courses must be completed at an approved Tennessee massage school, must be in addition to the required continuing education hours, and proof of completion must be submitted within the next 6 months. This order also places Ms. Johnson's massage therapist license and Massage Elite's massage establishment license on probation until proof of the required coursework is received, and all actual and reasonable costs of investigating and prosecuting this case, not to exceed \$3,000.00, are paid by Ms. Johnson. A motion was made by Dr. Bolden, seconded by Ms. Jagers, to approve the order as written. The motion carried.

#### **Angela Jordan, LMT**

Ms. Jordan was currently licensed as a massage therapist in Tennessee, and was actively licensed while she worked as a massage therapist from October 2015 to July 2016 at Smiley Chiropractic and Wellness Center in Madisonville, Tennessee, which has never been licensed as a massage establishment. Ms. Jordan did not own or operate the establishment. This order imposed civil penalties totaling \$200.00, actual and reasonable costs of investigating and prosecuting this case not to exceed \$1,000.00, and placed Ms. Jordan's massage therapist license on probation until all civil penalties and costs are paid. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the order as written. The motion carried.

#### **Jennifer Keeton, LMT – The Spalon**

Ms. Keeton was licensed as a massage therapist in Tennessee, and her license was currently expired at the time of this order. Ms. Keeton owned, operated, and practiced massage therapy at the massage establishment, The Spalon at 102 East Main Street, Linden, Tennessee 37096 while the establishment's license was expired from August 2016 to December 2017, when the establishment's license was reinstated. This order reprimanded Ms. Keeton's massage establishment license, imposed civil penalties totaling \$850.00, actual and reasonable costs of prosecuting this case, placed The Spalon's massage establishment license on probation until at least December 31, 2019 and continuing until all civil penalties and costs are paid, and placed Ms. Keeton's massage therapist license on probation until all civil penalties and costs are paid. A motion was made by Dr. Bolden, seconded by Ms. Jagers, to approve the order as written. The motion carried.

#### **Meng Lijun – Foot Spa**

Mr. Lijun owned and operated Foot Spa at 4004 Hillsboro Pike, Suite 130 R, Nashville, Tennessee, 37215, a currently licensed massage establishment. In November 2017 at least 2 unlicensed individuals were practicing massage therapy at Foot Spa. Mr. Lijun stated to the Department investigator that "Lee" and "Kim", the only names Mr. Lijun could give for the individuals, had been working at the establishment since at least August 2015 when Mr. Lijun took over the business, and that no licensed individual had worked at the establishment during that time. This order revoked Foot Spa's massage establishment license, imposed civil penalties totaling \$2,000.00, and the actual and reasonable costs of investigating and prosecuting this case not to exceed \$3,000.00. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the order with the statement on page

2 of the order stating that Mr. Lijun is owner and responsible person for “Royal Spa” changed to “Foot Spa”. The motion carried.

**Jian Mei Liu, LMT – Serenity Spa**

Ms. Liu was currently licensed as a massage therapist in Tennessee, and was the owner and operator of Serenity Spa at 366 West Main Street, Suite 4, Hendersonville, TN 37075. Ms. Liu’s massage therapist license was expired for about 11 months from 2017 through 2018, and she continued to practice massage at Serenity Spa during that time. An Agreed Citation was entered against Ms. Liu’s massage therapist license in November 2018 assessing civil penalties for practicing on a lapsed license. This order reprimands Serenity Spa’s massage establishment license, and requires Ms. Liu to pay all actual and reasonable costs of prosecuting this case. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the order as written. The motion carried.

**Edgar Lopez, LMT**

Mr. Lopez was currently licensed as a massage therapist in Tennessee, and was actively licensed in March of 2017, when a female massage client reported that Mr. Lopez was unprofessional during the massage. Mr. Lopez denies the allegations, stating that he acted appropriately at all times during the massage. Mr. Lopez states that he has ceased working in the area of massage therapy and does not intend to ever practice massage therapy in the future. Mr. Lopez wished to voluntarily surrender his massage license. This order stipulates that Mr. Lopez’s massage therapist license is voluntarily surrendered, which the Board treats as a revocation; that Mr. Lopez is not eligible to reinstate or otherwise obtain a massage license in Tennessee in the future; and requires that Mr. Lopez pay all actual and reasonable costs of investigating and prosecuting this case not to exceed \$1,000.00. A motion was made by Ms. Yarbrough, seconded by Dr. Bolden, to approve this order as written. The motion carried.

**Samantha McClain, LMT**

Ms. McClain was currently licensed as a massage therapist in Tennessee, and was actively licensed when she worked as a massage therapist at Back to Basics Massage Therapies at 2613 East Center Street, Kingsport, Tennessee 37664 from October 31, 2017 through March 2018 while that location’s massage establishment license was expired. Ms. McClain did not own or operate the establishment. This order imposed civil penalties totaling \$100.00, actual and reasonable costs of investigating and prosecuting this case not to exceed \$1,000.00, and placed Ms. McClain’s massage therapist license on probation until all civil penalties and costs are paid. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the order as written. The motion carried.

**Sa’Mia Roshaunda Mosely, LMT**

Ms. Mosely was currently licensed as a massage therapist in Tennessee, and was actively licensed when she worked as a massage therapist at Salon J and Day Spa in Nashville, Tennessee from July 2015 through March 2017, during which time the location’s massage establishment license was expired. Ms. Mosely did not own or operate the establishment. This order imposed civil penalties totaling \$100.00, actual and reasonable costs of investigating and prosecuting this case not to exceed \$1,000.00, and placed Ms. Mosely’s massage therapist license on probation for at least one year,

continuing until all civil penalties and costs have been paid. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the order as written. The motion carried.

**Jessica Poindexter, LMT**

Ms. Poindexter was currently licensed as a massage therapist in Tennessee. In December 2017, the Board granted Ms. Poindexter a conditional license. The conditional license agreement required Ms. Poindexter to maintain the advocacy of TnPAP until Ms. Poindexter completed the TnPAP monitoring agreement she entered into in November 2017. Ms. Poindexter failed to comply with the portions of her monitoring agreement pertaining to toxicology screens, communications and reports, and meeting attendance. As a result, TnPAP closed her file in August 2018. This order stipulates that Ms. Poindexter voluntarily surrendered her massage therapist license, which the Board treats as a revocation, and that Ms. Poindexter is required to pay actual and reasonable costs of prosecuting this case not to exceed \$2,000.00. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the order as written. The motion carried.

**Debra E. Rich, LMT**

Ms. Rich was currently licensed as a massage therapist in Tennessee. Ms. Rich failed to obtain 4 hours of required continuing education during the 2013/2014 continuing education cycle, including the required 2 hours of Tennessee statutes and rules and the 2 hours of ethics, practice management, or substance abuse. This order suspends Ms. Rich's massage therapist license until Ms. Rich submits evidence of having completed a total of 10 hours of approved continuing education, including 2 hours of Tennessee statutes and rules and 2 hours of ethics, practice management, or substance abuse. Upon receiving proof of completion of those hours, Ms. Rich's massage therapist license would be placed on probation until Ms. Rich pays civil penalties totaling \$200.00 and the actual and reasonable costs of prosecuting this case not to exceed \$1,000.00. A motion was made by Ms. Yarbrough, seconded by Dr. Bolden, to approve this order as written. The motion carried.

**Lindsay D. Selby, LMT**

Ms. Selby was currently licensed as a massage therapist in Tennessee. Ms. Selby failed to obtain 25 hours of required continuing education for the 2015/2016 cycle. This order places Ms. Selby's massage therapist license on suspension until Ms. Selby submits proof of completion of 31 hours of continuing education, including 2 hours of Tennessee statutes and rules and 2 hours of ethics, practice management, or substance abuse. When proof of completion of these hours is received, Ms. Selby's massage therapist license will be placed on probation until Ms. Selby pays civil penalties totaling \$1,550.00, and actual and reasonable costs of prosecuting this case not to exceed \$1,000.00. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the order as written. The motion carried.

**Jason Spoon, LMT**

Mr. Spoon was currently licensed as a massage therapist in Tennessee, and was actively licensed when he worked as a massage therapist at Back to Basics Massage Therapies at 2613 East Center Street, Kingsport, Tennessee 37664 from October 31, 2017 through March 2018 while that location's massage establishment license was expired. Mr. Spoon did not own or operate the establishment.

This order imposed civil penalties totaling \$100.00, actual and reasonable costs of prosecuting this case not to exceed \$1,000.00, and placed Mr. Spoon's massage therapist on probation until all civil penalties and costs are paid. A motion was made by Dr. Bolden, seconded by Ms. Jagers, to approve the order as written. The motion carried.

**Sherry Stanley, LMT**

Ms. Stanley was currently licensed as a massage therapist in Tennessee, and was actively licensed when she worked as a massage therapist at Studio 109 from March 2016 through August 2017 while that location's massage establishment license was expired. Ms. Stanley did not own or operate the establishment. Ms. Stanley stated that she did not practice at Studio 109 while its license was expired, but acknowledges that advertisements and reviews for her massage services appeared on the Facebook page associated with Studio 109. This order imposed civil penalties totaling \$450.00, actual and reasonable costs of investigating and prosecuting this case not exceeding \$1,000.00, and placed Ms. Stanley's massage therapist license on probation until all civil penalties and costs are paid. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the order as written. The motion carried.

**Katie Vanderlinden, LMT**

Ms. Vanderlinden was currently licensed as a massage therapist in Tennessee, and was actively licensed when she worked as a massage therapist at an unlicensed establishment at 101 International Drive, Franklin, Tennessee from January 2017 through September 2017. Ms. Vanderlinden did not own or operate the establishment. This order imposed civil penalties totaling \$240.00, actual and reasonable costs of investigating and prosecuting this case not to exceed \$1,000.00, and placed Ms. Vanderlinden's massage therapist license on probation until all civil penalties and costs are paid. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the order as written. The motion carried.

**Xiedong Xu, LMT**

Mr. Xu was currently licensed as a massage therapist in Tennessee, and was actively licensed while owning and operating the licensed massage establishment Oriental Wellness Massage at 2021 N. Highland Avenue, Unit A-18, Jackson, Tennessee 38305. The massage establishment license for Oriental Wellness Massage was revoked by the Board on November 9, 2017 following a contested case hearing. Among other findings, the Board found that Mr. Xu had allowed at least 2 unlicensed individuals to practice at establishments he owned. The Board revoked Mr. Xu's massage establishment licenses, including license #4439 for Oriental Wellness Massage in Jackson, Tennessee, placed Mr. Xu's massage therapist license on probation, and assessed fines and civil penalties. Mr. Xu continued to operate and work as a massage therapist in Oriental Wellness Massage in Jackson, Tennessee while it was unlicensed through April 2018. This order stipulates that Mr. Xu voluntarily surrendered his massage therapist license, which the Board treats as a revocation, and that Mr. Xu must pay all actual and reasonable costs of prosecuting this case not to exceed \$2,000.00. A motion was made by Mr. Mullins, seconded by Dr. Bolden, to approve the order as written. The motion carried.

**Joanne York - Salon J and Day Spa, LLC**

Salon J and Day Spa at 329 Union Street, Nashville, TN 3720 continued to offer massage services while its massage establishment license was expired from July 2015 through March 2017. During this time, 3 massage therapists practiced massage therapy at the establishment: Laron Officer, Scott Isaacs, and Sa'Mia Mosely. This order reprimanded Salon J and Day Spa's massage establishment license, imposed civil penalties totaling \$3,600.00, actual and reasonable costs of prosecuting this case, and placed the massage establishment license on probation until all civil penalties and costs are paid. A motion was made by Ms. Yarbrough, seconded by Mr. Mullins, to approve the order as written. The motion carried.

#### **LaToya Tramill, LMT**

Ms. Tramill was currently licensed as a massage therapist in Tennessee, and was actively licensed when on August 7, 2017 the Board ordered her to submit a total of 15 continuing education hours, pay civil penalties totaling \$750.00, and pay the actual costs of prosecuting that case totaling \$461.00. Ms. Tramill did not submit any continuing education hours, and did not pay the civil penalties or costs. This order stipulated that Ms. Tramill's massage therapist license be suspended until Ms. Tramill fully complies with the August 2017 Board order, and that upon compliance with that order, Ms. Tramill's massage therapist license be placed on probation for at least 3 years, to continue until further civil penalties totaling \$500.00 and actual and reasonable costs of prosecuting this current case not to exceed \$2,000.00 are paid. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the order as written. The motion carried.

#### **Sabrina H. Huling, LMT**

Ms. Huling was currently licensed as a massage therapist in Tennessee, and was initially licensed in February 2002. Ms. Huling's massage therapist license expired in July 2015. When Ms. Huling reinstated this license in October 2017, she was audited for the continuing education cycle of 2013/2014. Ms. Huling failed to obtain 25 hours of approved continuing education for the 2013/2014 cycle. This order suspends Ms. Huling's massage therapist license until Ms. Huling submits proof of completion of 31 hours of approved continuing education including 2 hours of Tennessee statutes and rules and 2 hours of ethics, practice management, or substance abuse. After this proof is received, Ms. Huling's massage therapist license will be placed on probation until civil penalties totaling \$1,250.00 and all actual and reasonable costs of prosecuting this case not to exceed \$1,000.00 are paid. A motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to approve the order as written. The motion carried.

### **Discuss and Take Action if Necessary on School Approvals and/or School Program Changes**

#### **Daughters of Zion – William & Johnson Career College**

This massage school application was deferred from the February 2019 Board meeting. No representatives for the school were present at this meeting. After much discussion, and review of minutes for the previous two Board meetings, a motion was made by Dr. Bolden, seconded by Ms. Jagger, to deny Daughters of Zion – William & Johnson Career College's application for approval of their massage school program. The motion carried.

### **Review, Discuss, and Take Action Regarding Revised Lapsed License Policy**

After hearing from Ms. Hodge and Mr. Guilford about clarifications made in the revised policy to better express the Rules regarding penalties for practicing on a lapsed license, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the revised lapsed license policy. The motion carried.

### **Review, Discuss, and Take Action If Necessary Regarding Tennessee Massage Schools' Remediation Plans for MBLEx Pass Rate Below 70%**

After hearing from Mr. Guilford about the newness of receiving these reports, and that the schools had been invited but not required to attend the meeting and be available for questions about their proposed plans, the Board proceeded to hear from the school representatives that were present.

#### **Georgia Career Institute – Murfreesboro**

Ms. Tangela Blum, Regional Coordinator for Massage Education at Georgia Career Institute, appeared to answer any questions the Board had about the school's remediation plan. After careful review of the plan, which was already showing improvement, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the proposed remediation plan to improve MBLEx pass rate for Georgia Career Institute. The motion carried.

#### **Appalachian Training Center for Healing Arts**

No representative from the school was present at this meeting. Dr. Bolden recused himself from discussion or voting on this plan. After careful review of the plan, a motion was made by Mr. Mullins, seconded by Ms. Jagers, to approve the proposed remediation plan to improve MBLEx pass rate for Appalachian Training Center for Healing Arts. The motion carried.

#### **Concorde Career College – Memphis**

No representative from the school was present at this meeting. After careful review of the plan, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the proposed remediation plan to improve MBLEx pass rate for Concorde Career College – Memphis. The motion carried.

#### **Concorde Career College – Southaven**

No representative from this school was present at this meeting. After careful review of the plan, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the proposed remediation plan to improve MBLEx pass rate for Concorde Career College – Southaven. The motion carried.

#### **Tennessee School of Therapeutic Massage**

No representative from this school was present at this meeting. Dr. Bolden recused himself from discussion and voting on this plan. After careful review of the plan, a motion was made by Ms. Yarbrough, seconded by Ms. Jagers, to approve the proposed remediation plan to improve MBLEx pass rate for Tennessee School of Therapeutic Massage. The motion carried.

### **Receive, Review, and Discuss Update from Online Education Curriculum Task Force**

Mr. Mullins stated that no update was available from this task force at this meeting. Mr. Guilford suggested referring the task force recommendations to the developmental sub-committee for their review and possible recommendations for future rulemaking. Ms. Hodge reminded the Board that the first topic the developmental sub-committee had to address was the CE Broker/FSMTB national database issue, and that depending on how much time that issue was expected to take in their August meeting, the online education issue may need to be deferred to the sub-committee's November meeting.

### **Discuss Possible Rule Amendments Regarding Reciprocity Licensure, Online Education, Reporting Client Complaints, Massage Establishment and Therapist Recordkeeping Requirements, Reinstatement Requirements for Lay Massage Establishment Owners, Ethical Requirements and Guidelines, Massage School Curriculum Changes, and Other Topics**

The Board heard from Mr. Guilford about his recommendations on these possible Rule amendments, and what he would need from the Board to move forward with a rulemaking hearing to get the changes to the Rules that the Board wants made. Mr. Guilford and Ms. Maj-Lis Nash spoke to the Board about the previously presented suggestions for changes in reciprocity licensure. Mr. Guilford stated that he was working on language for a rule on the changes to reciprocity licensure. A motion was made by Dr. Bolden, seconded by Ms. Jagers, to send the proposed changes in reciprocity licensure to a rulemaking hearing. The motion carried.

### **Discuss and Take Action If Needed Regarding Rulemaking Hearings, Rule Amendments, and Policies**

The Board decided that their previous vote took care of this issue.

### **Public Comments and Receive Future Agenda Items**

#### **Donna Lewis**

Ms. Lewis asked about massage establishment requirements regarding chair massage taking place in eldercare communities, and community centers such as Fifty Forward. Mr. Guilford stated that this is a question that the Board will most likely have to answer at a later date after recommendations from the committee and possibly the development sub-committee. Ms. Burke and Mr. Guilford both spoke to different options for determining the definition of an outcall, and what constitutes "the public" and "fixed and permanent".

#### **Maj-Lis Nash**

Ms. Nash spoke to the problem of business people trying to earn a living and run companies while not knowing the Board's decision yet on the massage establishment license issues. Ms. Nash also spoke to her role as a Tennessee massage law instructor, not having answers to give her students on establishment law questions. Ms. Nash asked how to respond to her Tennessee massage law students.



Mr. Guilford responded that unfortunately the issue remains complicated, and must be decided by the Board before any policies or rules can be changed. Mr. Scott Somers spoke to how he handles questions from his students in his classes, and spoke to the issue of massage as a business being very mobile. Much discussion resulted from Mr. Somers' suggestion of having a panel or consultant for the Board to answer such questions on a case-by-case basis. Mr. Mullins and Dr. Bolden brought up the idea of having a mobile massage license that could be held by massage therapists and used at multiple locations. Ms. Nash brought up the idea of abolishing establishment licenses completely. Mr. Guilford stated that some of these changes may require statute changes.

**Laura Emberton, ABMP**

Ms. Emberton offered ABMP's resources to assist the Board on what is happening in different states with reciprocity licensure and establishment licensure.

**Lorena Haynes, FSMTB**

Lorena Haynes stated that the FSMTB is in the process of creating model rules for massage establishment, and encouraged the Board's involvement.

The meeting was adjourned.

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**May 14, 2019**

Time: 9:00 a.m. C.S.T.  
Location: 665 Mainstream Drive  
HRB Conference Center  
1st Floor, Iris Room  
Nashville, TN 37243  
Members Present: Marvis A. Burke, LMT, Chairperson  
Cynthia Jagers, LMT, Secretary  
Ed Bolden, LMT  
Bill Mullins, LMT  
Virginia P. Yarbrough, LMT  
Staff Present: Ruth Stewart, Board Administrator  
Kimberly Wallace, Unit 3 Director  
Marc Guilford, Office of General Counsel

The meeting was called to order by Ms. Burke at 9:18 a.m. Ms. Burke welcomed and thanked Officer Chaney and Judge Darnell for their service to the Board today. Ms. Ruth Stewart conducted a roll call to establish a quorum. A quorum was established.

Mr. Guilford informed the Board that Judge Darnell was planning to start contested cases no earlier than 9:30 a.m. to give the respondents' time to arrive. Mr. Guilford then presented a consent order and agreed order to the Board.

**Consent Order**

**Aleta Monroe, LMT**

Ms. Monroe was currently licensed as a massage therapist in Tennessee, and was actively licensed when she worked as a massage therapist for 12 months from 2009 through 2010, and also for 12 months from 2016 through 2017 at Smiley Chiropractic and Wellness Center in Madisonville, Tennessee, which has never been licensed as a massage establishment. Ms. Monroe did not own or operate the establishment. This order imposed civil penalties totaling \$200.00, actual and reasonable costs of investigating and prosecuting this case not to exceed \$1,000.00, and placed Ms. Monroe's massage therapist license on probation until all civil penalties and costs are paid. A motion was made by Ms. Yarbrough, seconded by Mr. Mullins, to approve the order as written. The motion carried.

**Agreed Order**

**Cong Zhao Wang, LMT – Wang's Chair Massage – Acu Massage**

Mr. Wang was currently a licensed massage therapist in Tennessee. Wang's Chair Massage, located at 7600 Kingston Pike, K11, Knoxville, Tennessee 37919 had its massage establishment license

retired on April 26, 2019 and was currently in retired status. Mr. Wang was the owner and operator of Wang's Chair Massage. Acu Massage was a massage establishment located at 7007 Kingston Pike, Knoxville, Tennessee 37909. Acu Massage was licensed as a massage establishment, and that license was currently retired. In February 2017, at least one unlicensed individual, Tiehui Tong (a/k/a Tie Hui Tong), was practicing massage at Wang's Chair Massage. On April 21, at least one unlicensed individual, Shu Hua Wang, was practicing massage therapy at Acu Massage. This order imposed civil penalties totaling \$500.00, actual and reasonable costs of investigating and prosecuting this case not to exceed \$2,000.00, placed Mr. Wang's therapist license on probation for at least two years to continue until all civil penalties and costs have been paid. This order also stipulates that Wang's Chair Massage's massage establishment license and Acu Massage's massage establishment license are voluntarily surrendered, which the Board treats as revocation. This order also stipulates that the period of probation, Mr. Wang will be prohibited from operating, being the responsible person at, or having any ownership interest in any massage establishment, and that after the period of probation, if Mr. Wang applies for an establishment license or is listed on an application as the responsible person or owner for an establishment license, Mr. Wang shall be required to appear before the Board for an interview, and the Board shall take this order into account when considering such application. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the order as written. The motion carried.

### **Contested Cases**

Judge Steve Darnell presided over the contested cases at this meeting. Mr. Guilford represented the Department in these cases. Judge Darnell established a quorum of the Board members, and gave his charge to the Board members before beginning the cases.

### **Chasity Horner**

This contested case was continued by the Office of General Counsel to the August 2019 Board meeting.

### **Bryan Reynolds – Back to Basics Massage Therapy**

This contested case was continued by the Office of General Counsel to the August 2019 Board meeting.

### **Janice Alford-Sanders**

Ms. Alford-Sanders was not present at this meeting. After hearing from Mr. Guilford about the Office of General Counsel's efforts to contact and inform Ms. Alford-Sanders of the hearing with no response, Judge Darnell ruled that the Department had made sufficient effort to notify Ms. Alford-Sanders of the hearing. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to proceed in default. The motion carried.

Mr. Guilford submitted the notice of charges, proof of service, and a proposed order to the Board, along with an affidavit and attachments from Ms. Kimberly Hodge. The proposed final order stated that Ms. Alford-Sanders was currently licensed as a massage therapist in Tennessee. Ms. Alford-Sanders' license was expired from July 2015 to August 2017 when Ms. Alford-Sanders reinstated her

license. Ms. Alford-Sanders was then audited for continuing education for the cycle of 2013/2014. Ms. Alford-Sanders failed to obtain 25 hours of approved continuing education for that cycle. This order suspended Ms. Alford-Sanders' massage therapist license until Ms. Alford-Sanders submits evidence of having completed 31 hours of approved continuing education including 2 hours of Tennessee statutes and rules and 2 hours of ethics, practice management, or substance abuse. Upon submission of these hours, Ms. Alford-Sanders' license shall be placed on probation until Ms. Alford-Sanders has paid civil penalties totaling \$1,550.00 and actual and reasonable costs of prosecuting this case, not to exceed \$3,000.00. After some discussion, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the proposed final order as written. The motion carried.

### **Li Li - Mintee Spa**

Ms. Li Li was not present at this meeting. After hearing from Mr. Guilford about the Office of General Counsel's efforts to contact and inform Ms. Li of the hearing with no response, Judge Darnell ruled that the Department had made sufficient effort to notify Ms. Li of the hearing. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to proceed in default. The motion carried.

Mr. Guilford submitted the notice of charges and a proposed final order to the Board, along with an affidavit and attachments from Ms. Kimberly Hodge. The proposed final order stated that Ms. Li's Tennessee massage therapist was currently expired, but that Ms. Li was actively licensed when she operated and worked as a massage therapist in an unlicensed massage establishment, Mintee Spa, located at 1349 N Germantown Parkway, Cordova, Tennessee from January 2015 through January 2017. Ms. Li applied for a massage establishment license for Mintee Spa in January 2017. Ms. Li appeared before the Board at its February 2017 meeting and admitted that the establishment had operated without a license since January 2015. This order suspended Ms. Li's massage therapist license until she pays civil penalties totaling \$5,300.00 before Ms. Li's license can be placed on probation for at least 3 years. This order also required Ms. Li to pay actual and reasonable costs of prosecuting this case not to exceed \$3,000.00. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the proposed final order as written. The motion carried.

As the Board returned from a short break, Ms. Ruth Stewart conducted a roll call. All the Board members present had returned from the break.

### **Laron Keith Officer**

Mr. Officer was not present at this meeting. After hearing from Mr. Guilford about the Office of General Counsel's efforts to contact and inform Mr. Officer of the hearing with no response, Judge Darnell ruled that the Department had made sufficient effort to notify Mr. Officer of the hearing. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to proceed in default. The motion carried.

Mr. Guilford submitted the notice of charges and a proposed final order to the Board. Mr. Guilford also called as witnesses Ms. Ruth Stewart, Board Administrator, and Department Investigator Marie Randolph. The Board heard from Ms. Stewart that according to printouts from the LARS licensing database system, Mr. Officer's massage therapist license was currently valid, that the massage

establishment license for Salon J and Day Spa, LLC was also currently valid, and that the history page of that establishment license showed that it had expired in July 2015 and been reinstated in March 2017. Mr. Guilford provided copies of the LARS printouts to the Board. The Board heard from Ms. Randolph that she investigated allegations involving Salon J and Day Spa, LLC and Mr. Officer. Ms. Randolph stated that she determined that Joanne York was the owner of that establishment, and that the massage establishment license was expired. Ms. Randolph stated that Mr. Officer stated to her during this investigation that he had worked at the establishment during the time the establishment's license was expired. Ms. Randolph stated that documentation sent to her from Ms. York stated that Mr. Officer had done 293 massages during the time the establishment license was expired. Ms. Randolph identified that document, and Mr. Guilford provided copies to the Board.

The proposed final order stated that Mr. Officer is currently licensed as a massage therapist in Tennessee, and was actively licensed when he worked as a massage therapist at Salon J and Day Spa at 315 Deadrick Street, Nashville, Tennessee while that location's massage establishment license was expired from July 2015 through March 2017. Mr. Officer is not the owner or operator of the establishment. This order placed Mr. Officer's massage therapist license on probation for at least 1 year continuing until Mr. Officer has paid the civil penalties totaling \$840.00 and the actual and reasonable costs of investigating and prosecuting this case not to exceed \$3,000.00. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the proposed final order as written. The motion carried.

#### **Kimberly Davis**

Ms. Davis was not present at this meeting. After hearing from Mr. Guilford about the Office of General Counsel's efforts to contact and inform Ms. Davis of the hearing with no response, Judge Darnell ruled that the Department had made sufficient effort to notify Ms. Davis of the hearing. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to proceed in default. The motion carried.

Mr. Guilford submitted to the board the notice of charges, a proposed final order, and an affidavit with attachments from Ms. Kimberly Hodge. The proposed final order stated that Ms. Davis was currently licensed as a massage therapist in Tennessee, and was actively licensed when she failed to obtain 25 hours of approved continuing education for the 2016/2016 continuing education cycle. When Ms. Davis renewed her license, she falsely indicated that she had completed all required continuing education for that cycle. This order suspended Ms. Davis's massage therapist license until Ms. Davis submits proof of completion of 31 hours of continuing education, including 2 hours of Tennessee statutes and rules and 2 hours of ethics, practice management, or substance abuse, after which Ms. Davis's license would be placed on probation until Ms. Davis has paid civil penalties totaling \$1,550.00 and all costs of prosecuting this case not to exceed \$3,000.00. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the proposed final order as written. A friendly amendment was made by Mr. Mullins, accepted by Dr. Bolden, to correct the cycle named on page 3 of the order from 2013/2014 to 2015/2016. The amended motion carried.

Judge Darnell adjourned the contested case hearings.

Mr. Mullins reminded the Board that they needed to designate a chairperson for the developmental sub-committee. Dr. Bolden stated that he would not be able to serve currently on the developmental

sub-committee, due to his involvement with the FSMTB's national database. Dr. Bolden stated that he would be willing to serve on this committee in future, and recommended that the Board reach out to Ms. Cross to see if she would be willing to temporarily serve. Mr. Guilford and Ms. Wallace discussed whether the committee was required to have 3 members, or if they could proceed with 2 members for the present time. Ms. Wallace stated that after she had conferred with Ms. Hodge, she would send out an email to the Board members notifying them of the answer to that question. Mr. Mullins offered to serve as temporary chair of the committee.

The meeting was adjourned at 11:03 a.m.

  
Marvis A. Burke, LMT, Chairperson

  
Date Minutes Ratified by Board