

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**June 10, 2014**

**Emergency Meeting (Teleconference)**

Time: 12:00 p.m. C.S.T.

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

Members Present: Ed Bolden, LMT Chairperson  
Bethann Easterly, LMT  
Julie J. Wray, LMT  
Michael Velker, Citizen Member

Members Present Via Teleconference: Cynthia R. Jagers, LMT Secretary  
Marvis Burke, LMT  
Christi Cross, Citizen Member

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

The meeting was called to order at 12:10 p.m. by Mr. Ed Bolden, Board Chairperson. Mr. Bolden informed the Board that the purpose of the meeting was to receive information and take action regarding which entity would receive the grant for the Massage Board's Impaired Professional Program contract that is effective July 1, 2014. Ms. Lisa Lampley explained to the members the procedural steps necessary to convene an electronic meeting. A roll call was held to determine if each participant could hear the responses of the others. Ms. Wray made the motion to proceed to conduct the meeting electronically and Mr. Velker seconded the motion. A roll call vote was held to accept the motion and the motion passed unanimously. A motion was made by Ms. Cross to proceed to conduct the meeting by determining the matters to be discussed met the following requirements: The subject matter requires timely action, the physical presence of all members was not possible considering the period of time required for action, and the participation by some or all of the members of the board by electronic or other means is necessary. Mr. Velker seconded the motion. A roll call vote was held to accept the motion and the motion was adopted unanimously. Members were advised to identify themselves before they spoke. The teleconference was then turned over to Mr. Bolden.

Mr. Eugene Neubert, Deputy Commissioner for Operations for the Department of Health, was present and explained to the Board the Central Procurement Office's process for the Request for Grant Proposals (RFGPs) to be awarded on an open, transparent, and competitive basis. Based upon the Department following the Procurement Office's process, the Tennessee Nurses

Professional Assistance Program (TnPAP) was awarded the contract as the Massage Board's peer assistance program. The Tennessee Massage Board expressed that they preferred to continue selection of the impaired professional program provider through a non-competitive process and to grant the impaired professional contract to Lighthouse. The three (3) agencies that submitted a grant proposal were invited to the meeting to address the Board. Representatives from two of the agencies were present: Tennessee Nurses Professional Assistance Program (TnPAP) and Lighthouse Professional Services. Mr. Mike Harkreader, Executive Director, TnPAP, and Ms. Diann Smithson, Director, Lighthouse Professional Services gave a brief overview and answered questions regarding the services their respective programs currently offer and provide. The Board stated it was their intention during discussions held at the February 10 & 11, 2014 and the May 5 & 6, 2014 meetings to award the new grant contract to Lighthouse Professional Services.

Ms. Mary Kennedy, Assistant General Counsel, was present and informed the Board of their options. She explained that the Board had two appropriate options: (1) accept the recommendation of the review committee in respect to the grant that was awarded to TNPAP; or, (2) the Board could request that the Department work with a delegate of the Board in order to further tailor the RFGP. Once the new RFGP has been modified, it would be let out for proposals following the Department's directives to look competitively and serve the public in an open manner. Ms. Cross stated that it was within the Board's statute to administer the impaired professional grant on a non-compete process. Ms. Kennedy informed the Board that the statute does not specifically address non-compete processes, but that the statute under T.C.A 63-1-136 does give the Board the authority to let the grant and administer the grant. Upon further discussion by the Board, Ms. Cross made a motion to reject the current RFGP and to award the contract to Lighthouse Professional Services. Ms. Cross explained that the RFGP was not tailored to the Massage Board and that the Board was not made aware of the RFGPs competitive process at the February or May 2014 meetings. She further explained that at the February and May meetings, it was the intent of the Board to award the new contract to Lighthouse. Ms. Wray seconded the motion. Ms. Cross then amended her motion to reject the RFGP because it was not tailored to the Massage Profession and to stand by the Board's intent to award a five (5) year contract to Lighthouse Professional Services. Ms. Burke seconded the amended motion. Ms. Kennedy advised the Board that their decision to reject the RFGP could result in a court overturning their decision. Ms. Cross called for the question and a roll call vote was held. Ms. Cross, Ms. Burke, Ms. Easterly, Ms. Jaggars, Ms. Wray, and Mr. Velker voted to approve the amended motion. The motion carried.

Mr. Velker made a motion to adjourn. Ms. Easterly seconded the motion. The motion carried and the meeting was adjourned at 1:11 pm.

**These minutes were ratified at the meeting held on August 11-12, 2014.**