

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
August 8, 2016

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

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

Members Present: Ed Bolden, LMT Chairperson
Cynthia Jagers, LMT,
Marvis Burke, LMT, Secretary
Julie J. Wray, LMT
Christi Cross, Citizen Member
Bethann Easterly, LMT
Michael Velker, Citizen Member

Staff Present: Lisa Lampley, Board Director
Kimberly Hodge, Board Manager
Dale Hill, Board Administrator
Marc Guilford, Office of General Counsel

The meeting was called to order at 9:19 a.m. by Dr. Ed Bolden, Board Chairperson. Dr. Bolden welcomed everyone to the meeting and encouraged the students to attend the Board meetings and become an active part of the massage and bodywork profession. Dr. Bolden said the reason the Board exists is to protect the health, welfare and safety of the citizens of the state of Tennessee. Prior to conducting business, Lisa Lampley conducted a roll call to establish a quorum. A quorum was present.

Minutes

Upon review of the May 2-3, 2016 and June 30, 2016 minutes, Ms. Burke made a motion, seconded by Ms. Wray, to approve the minutes as written. The motion carried.

Applicant Interviews

Juan Du

Ms. Juan Du was not present to answer and explain concerns regarding her educational transcript submitted from the Academy of Oriental Therapy for her massage therapy application. The Board's concern was based on evidence that the massage school Ms. Du attended offered core curriculum hours online and that Ms. Du's MBLEx scores were invalidated by the Federation of State Massage Boards in June 2016. Based upon the Board's Distance Learning Policy and Rule 0870-01-04(1)(e) of the Tennessee Massage Licensure Board, the transcript must show that that

the applicant has successfully completed a massage, bodywork, and/or somatic therapy curriculum(s) consisting of no less than five hundred (500) classroom hours specifically delineated in required areas. After a brief discussion Mr. Velker made a motion, seconded by Ms. Cross, to deny Ms. Du's massage therapist application based on T.C.A 63-18-108(1)(7) and T.C.A 63-18-105(b)(3)(A)(B).

Xiaodan Li

Ms. Xiaodan Li appeared before the Board to answer and explain concerns regarding her working in an unlicensed establishment performing reflexology before she obtained her reflexologist certification. Ms. Li was observed by an investigator for the Tennessee Department of Health massaging a gentleman's legs and feet while he lay undressed on a table at Great Reflex Day Spa. Ms. Marie Randolph, investigator for the Tennessee Department of Health, provided testimony regarding her investigation into Great Reflex Day Spa, which was owned by Dong Mei Ni. The Board was also concerned about Ms. Li's education. This was based on evidence that the massage school Ms. Li attended, Alhambra Medical University, was currently not listed as an approved school on the California Massage Therapy Council web site. The Tennessee Massage Board administrative office provided an interpreter from the Tennessee Foreign Language Institute for the interview. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Li's massage therapist licensure application. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Burke, to deny Ms. Li's massage therapist application based on T.C.A 63-18-104, T.C.A 63-18-105(b)(3)(A), and T.C.A 63-18-108(7). The motion carried.

Shumin Liu

Ms. Shumin Liu was not present to answer and explain concerns regarding her educational transcript submitted from Lincoln Institute of Body Therapy for her massage therapy application. Lincoln Institute of Body Therapy was not listed on the approved or pending approval list with the California Massage Therapy Council. The Board was concerned with major discrepancies and inconsistencies between the transcript, Lincoln's website, and the school's student catalog. After a brief discussion, Ms. Cross made a motion seconded by Mr. Velker, to deny Ms. Liu's massage therapist application based on T.C.A 63-18-105(b)(3)(A) and T.C.A 63-18-108(1)(12). The motion carried.

Hui Shen

Ms. Hui Shen appeared before the Board to answer and explain concerns regarding her educational transcript submitted from the Academy of Oriental Therapy for her massage therapy application. The Board's concern was based on evidence that the massage school Ms. Shen attended offered core curriculum hours online. Based upon the Board's Distance Learning Policy and Rule 0870-01-04(1)(e) of the Tennessee Massage Licensure Board, the transcript must show that that the applicant has successfully completed a massage, bodywork, and/or somatic therapy curriculum(s) consisting of no less than five hundred (500) classroom hours specifically delineated in required areas. The Board was also concerned with discrepancies in the transcript dates and number of hours completed, based upon Ms. Shen's statements regarding the days and weekly hours attended. The Tennessee Massage Board administrative office provided an

interpreter from the Tennessee Foreign Language Institute for the interview. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Shen's massage therapist licensure application. After a brief discussion, Ms. Burke made a motion, seconded by Mr. Velker, to deny Ms. Shen's massage therapist application based on T.C.A 63-18-105(b)(3)(A). The motion carried with the Board requesting that Ms. Shen's information be reported to the Federation of State Massage Board regarding her MBLEx exam.

Li Wang

Ms. Li Wang appeared before the Board to answer and explain concerns regarding her educational transcript submitted from Brightness Massage School for the Blind for her massage therapy application. The Board's concern was based upon student attendance sheets submitted by Mr. Andrew Jiang to the Tennessee Higher Education Commission which didn't coincide with the dates of attendance on the transcript that was submitted to the Massage Licensure Board from Brightness. Ms. Wang stated that the students in her class never performed massages on the public, but instead on other students and the teacher. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Wang's massage therapist licensure application. After a brief discussion, Ms. Cross made a motion, seconded by Mr. Velker, to defer Ms. Wang's massage therapist application until the October 24, 2016 Board Meeting to allow time for Brightness School to submit additional attendance records for Ms. Wang. The motion carried with the Board requesting that Ms. Wang's information be reported to the Federation of State Massage Board regarding her MBLEx exam.

Xu Ping Wang

Mr. Wang appeared before the Board to answer and explain concerns regarding his educational transcript submitted from Brightness Massage School for the Blind for his massage therapy application. The Board's concern was based upon student attendance sheets submitted by Mr. Andrew Jiang to the Tennessee Higher Education Commission which didn't match the dates of attendance on the transcript that was submitted to the Massage Licensure Board from Brightness. Mr. Wang explained to the Board the dates that he attended Brightness School and confirmed that it was his signature on the attendance records. Mr. Guilford informed the Board that the attendance records reflected that Mr. Wang had signed attendance records the month before he stated that he had started massage school. Mr. Wang also passed the MBLEx exam several months before he started massage school. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Wang's massage therapist licensure application. Upon review of the attendance records provided by Brightness School and Mr. Wang's statement regarding the dates of attendance, Ms. Cross made a motion, seconded by Ms. Jagers, to deny Mr. Wang's massage therapist application based on T.C.A 63-18-108(1)(12). The motion carried with the Board requesting that Mr. Wang's information be reported to the Federation of State Massage Board regarding his MBLEx exam.

Yingping Wang

Ms. Yingping Wang was not present to answer and explain concerns regarding her educational transcript submitted from Lincoln Institute of Body Therapy for her massage therapy application. Lincoln Institute of Body Therapy was not listed on the approved or pending approval list with

the California Massage Therapy Council. The Board was concerned with major discrepancies and inconsistencies between the transcript, Lincoln's website, and the school's student catalog. After a brief discussion, Ms. Cross made a motion seconded by Ms. Burke, to deny Ms. Wang's massage therapist application based on T.C.A 63-18-105(b)(3)(A) and T.C.A 63-18-108(1)(12). The motion carried.

MingMing Yin

Ms. MingMing Yin was not present to answer and explain concerns regarding her educational transcript submitted from Lincoln Institute of Body Therapy for her massage therapy application. Lincoln Institute of Body Therapy was not listed on the approved or pending approval list with the California Massage Therapy Council. The Board was concerned with major discrepancies and inconsistencies between the transcript, Lincoln's website, and the school's student catalog. After a brief discussion, Ms. Cross made a motion seconded by Ms. Wray, to deny Ms. Yin's massage therapist application based on T.C.A 63-18-105(b)(3)(A) and T.C.A 63-18-108(1)(12). The motion carried.

Meijiao Zhang

Ms. Meijiao Zhang appeared before the Board to answer and explain concerns regarding her educational transcript submitted from Brightness Massage School for the Blind for her massage therapy application. The Board's concern was based upon student attendance sheets submitted by Mr. Andrew Jiang to the Tennessee Higher Education Commission which didn't coincide with the dates of attendance on the transcript that was submitted to the Massage Licensure Board from Brightness. Ms. Zhang also stated that her friends had taken the MBLEx exam 5 or 6 different times, memorized the questions on the exam, and informed her of the questions so that she could study for the exam. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Wang's massage therapist licensure application. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke, to deny Ms. Zhang's massage therapist application based on T.C.A 63-18-108(1)(12). The motion carried with the Board requesting that Ms. Zhang's information be reported to the Federation of State Massage Board regarding her MBLEx exam.

Long Ma – China Foot Reflexology

Mr. Long Ma was not present to answer and explain concerns regarding his massage establishment application. Mr. Ma had previously applied and had been denied establishment licenses by the Board for Bamboo Massage and Panda Foot Massage for operating without a license at both locations. Dr. Bolden stated that Mr. Ma's letters of recommendation were written for Ms. Haiyan Fan. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke, to deny Mr. Ma's establishment application based upon T.C.A 63-18-108(1)(12). The motion carried.

Jie Gao – Chinese Pressure Massage

Ms. Jie Gao was not present to answer and explain concerns regarding her massage establishment application. On June 8, 2016 three Sevierville women were arrested in an undercover operation for impersonating a licensed professional at Chinese Pressure Massage. The operation was part

of a larger human trafficking operation being conducted by the U.S. Department of Homeland Security. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray, to deny Ms. Gao's establishment application based upon T.C.A 63-18-108(1)(6)(12). The motion carried.

Yuxia Lou – Diamond Massage & Jackson #1 Massage

Ms. Yuxia Lou was not present to answer and explain concerns regarding her massage establishment application. On July 5, 2016 in Madison County Police closed and padlocked Diamond Massage for prostitution and unlicensed business. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke, to deny Ms. Lou's establishment application for Diamond Massage and Jackson # 1 Massage based upon T.C.A 63-18-108(1)(6)(12). The motion carried.

Nina Kuzina – Nina Kuzina Fine Art, LLC

Ms. Nian Kuzina appeared before the Board with her attorney, Mr. Wayne Crim, to answer and explain concerns regarding her massage establishment application. Ms. Kuzina's establishment application was first reviewed by the Applicant Review Committee at the July 19, 2016 meeting. Ms. Kuzina was present at the July 19, 2016 meeting, and the ARC Committee recommended denial of Ms. Kuzina's massage establishment application. The Committee's decision was based on evidence that the establishment had been open and operating without a massage establishment license since July 2014. After a very long and detailed discussion, Ms. Cross made a motion, seconded by Ms. Burke to deny Ms. Kuzina's establishment application based on T.C.A 63-18-108(5)(9)(12). The motion carried with Mr. Velker and Ms. Easterly opposed, and Ms. Wray abstained.

Christy Keen – The Body Shop Health and Wellness Studio

Ms. Keen appeared before the Board at the May 3, 2016 meeting to answer and explain concerns regarding her establishment application for The Body Shop Health and Wellness Studio located at 1804 Sharp Springs Road Winchester, TN. She was requested to attend the Board meeting based on evidence that the location for which she applied for had advertised for massage therapy services without being able to perform the services at the establishment, because the establishment didn't hold a massage establishment license. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to deny Ms. Keen's massage establishment application based on T.C.A 63-18-108 (5)(7) and T.C.A 63-18-104 (b). The Board instructed Ms. Keen to remove all advertisement, cease offering massage, and to reapply for an establishment license.

Ms. Keen was not present at the meeting, but resubmitted a new establishment application and removed all advertisement regarding massage from her web page. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to grant Ms. Keen a conditional license. Ms. Keen was fined \$1,700.00 per the Board's policy for operating an unlicensed establishment and given six (6) months to pay all fines. The motion carried.

Jeanie B. Joyce

Ms. Jeanie B. Joyce appeared before the Board to answer and explain concerns regarding her educational transcript submitted from the Virginia School of Massage for her massage therapy application. The Board's Administrative Office contacted the Virginia School of Massage multiple times through phone and e-mail requesting a breakdown of Ms. Joyce's transcript to determine if she met the Tennessee Massage Board Rules regarding educational requirements. After the Board's review of the transcript, Ms. Easterly made a motion, seconded by Mr. Velker to approve Ms. Joyce's massage application. The motion carried.

Aimee Dawn Wilder

Ms. Wilder was requested to appear before the Board to explain why she answered "no" on her massage therapy application regarding any convictions other than a minor traffic offense. Ms. Wilder's criminal background check revealed a conviction for driving on suspended license in 2000 and a simple possession charge in 2001. Ms. Wilder's file was originally reviewed by the Board at the February 8, 2016 meeting. The Board decided to grant Ms. Wilder a license contingent upon her resubmitting a new application that reflects her correctly answering competency question seven (7) on the massage application and resubmitting the \$85.00 application fee. As of the August 8, 2016 meeting, Ms. Wilder hadn't responded with the requested documentation to complete her file. After a brief discussion, Mr. Velker made a motion, seconded by Mr. Cross to allow Ms. Wilder 30 days from the date of the meeting to resubmit her application and pay her application fee to avoid file closure. The motion carried.

Jennifer L. Lohman

Ms. Jennifer L. Lohman appeared before the Board to answer and explain concerns regarding her educational transcript submitted from Somerset School of Massage Therapy for her massage therapy application. The Board Administrative Office received multiple transcripts that were inconsistent with the location of the seal, font on the transcript, and were unsigned. Ms. Lohman stated that her school was closed and the previous owner and the current school submitted transcripts to the Board. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Easterly to approve Ms. Lohman's massage application. The motion carried.

Ashley Stevenson Caudill

Ms. Ashley Caudill appeared before the Board to answer and explain concerns regarding her massage therapy application. Dr. Bolden stated that he was recusing himself from the interview due to previous knowledge and inaccurate statements from the applicant regarding his assistance with the application process. Ms. Burke resumed the position as chair for the interview. Ms. Caudill requested the Board to grant her an immediate go to work letter, but her file was closed by the Administrative Staff after being open for over eight (8) months due to lack of all required documentation to complete her file. Ms. Caudill's file was originally received in March of 2015, and the last required transcript to meet her educational requirements was received in April 2016. Due to her file being closed, the Administrative Staff requested a new application, a new criminal background check, application fee, and new letters or recommendation. All newly required documentation was received except for the application fee. The Board also reviewed documentation that Ms. Caudill was advertising before receiving her license as a massage

therapist. After a very detailed discussion, Ms. Cross made a motion, seconded by Ms. Wray to deny Ms. Caudill's massage therapy application based upon T.C.A. 63-18-108(5)(12). The motion carried with Mr. Velker and Ms. Easterly opposed.

Darrell Wayne Guinn

Mr. Guinn appeared before the Board to answer and explain concerns regarding his misdemeanor convictions involving public intoxication and driving on a suspended license. Based on the information in Mr. Guinn's massage application, he was requested to contact the Tennessee Professional Assistance Program for an evaluation. Based upon his evaluation, Mr. Guinn was required to complete a polygraph test. Mr. Guinn notified TnPAP that he didn't agree with the polygraph test. Therefore, TnPAP had no choice but to close his file. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to approve Mr. Guinn's massage application. The motion carried.

Camille Lynne Jordan

Ms. Jordan didn't appear before the Board to answer and explain concerns regarding her misdemeanor criminal convictions involving theft, possession of a controlled substance, and three separate DUI's. Based on the information in Ms. Jordan's massage application, she was requested to contact the Tennessee Professional Assistance Program for an evaluation. Based upon her evaluation, Ms. Jordan was required to complete a monitoring agreement. Ms. Jordan notified TnPAP that she didn't agree with the monitoring agreement, and abandoned communication with TnPAP. Therefore, TnPAP had no choice but to close her file. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray to deny Ms. Jordan's massage application based on T.C.A. 63-18-108(2)(12). The motion carried.

Rhonda Sue King – TnPAP

Ms. Rhonda King appeared before the Board to explain the documents in her massage licensure file. Ms. King had a conviction for disorderly conduct, worthless checks, and multiple criminal convictions for theft. Based on the Board's Criminal Conviction policy, the Administrative staff referred Ms. King to the Tennessee Professional Assistance Program, which is the Board's peer assistance program. Ms. King disagreed with the recommendations in the report from TnPAP. At the November 2, 2015 meeting, Mr. Velker made a motion, seconded by Ms. Cros, to defer Ms. King's application until she has completed the process with TnPAP and complied with all recommendations. At the February 8, 2016 meeting, Mr. Mike Harkreader, Executive Director of TnPAP, was present at the meeting and provided information regarding the reasons for the two evaluators' recommendations for Level 2 IOP for Drugs and Alcohols and the recommendation of individual therapy. After a discussion, the Board requested for TnPAP to try to find an Out Patient Treatment Center that is closer to Ms. King's home residence. At the February 2016 meeting, Mr. Velker made a motion, seconded by Ms. Easterly, for Ms. King's massage application file to remain open and in pending status in the Board administrative office to allow Ms. King the time and opportunity to complete Level 2 IOP.

As of the August 8, 2016 meeting, Ms. King hadn't completed her Level 2 IOP or began individual therapy. Therefore, TnPAP closed Ms. King's file due to lack of communication and non-compliance of the TnPAP requirements. Ms. King provided a detailed explanation of her experience with Bradford. After a discussion, Mr. Velker made a motion, seconded by Mr. Cross to allow Ms. King 30 days from the date of the meeting to contact TnPAP and to enter Level 2 IOP treatment or the file would be closed in the Board Administrative Office. The motion carried.

Joel Thomas

Mr. Thomas didn't appear before the Board to answer and explain concerns regarding his misdemeanor criminal convictions involving public intoxication and a DUI. Based on the information in Mr. Thomas's massage application, he was requested to contact the Tennessee Professional Assistance Program for an evaluation. Based upon his evaluation, Mr. Thomas was required to complete an outpatient substance use disorder treatment program, and was deemed not safe to practice until the treatment was complete and he had remained abstinence from alcohol and drugs. Mr. Thomas didn't enter treatment citing a conflict with his job schedule. Therefore, TnPAP had no choice but to close his file. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray to deny Mr. Thomas's massage application based on T.C.A. 63-18-108(2)(12). The motion carried with Ms. Burke apposed.

Brandon Lashawn Woods – TnPAP

Mr. Wood appeared before the Board to answer and explain concerns regarding his misdemeanor conviction involving public intoxication, and to explain why he answered "no" on his therapist application regarding any convictions other than a minor traffic offense. Based on the information in Mr. Wood's massage application, he was requested to contact the Tennessee Professional Assistance Program for an evaluation. Based upon his evaluation, Mr. Woods was required to execute a TnPAP monitoring agreement. Ms. Woods agreed to adhere to the requirements and sign a monitoring agreement. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to grant Mr. Wood a conditional massage therapist license. The conditions consisted of Mr. Wood signing the monitoring contract and remaining in compliance with the contract throughout the terms of the agreement. The motion carried.

Presentation by the Tennessee Professional Assistance Program (TnPAP)

Mr. Mike Harkreader, Executive Director of TnPAP, and Ms. Elaine Eaton, Administrative Director, were present at the meeting and provided the Statistical Report for the Tennessee Professional Assistance Program for the period of July 1, 2015 to June 30, 2016. TnPAP is currently monitoring seven (7) massage therapists. Mr. Harkeader reported that there are eight (8) effective agreements, one (1) treatment enrollment pending, and one (1) pending evaluation. There have been twenty-seven (27) Board referrals and fourteen (14) clients whose file was closed for either declining services or declining the recommendations.

Legislation:

Mr. Ben Simpson from the legislative liaison’s office at the Department of Health was present at the meeting to give the Board a legislative update. Mr. Simpson briefly discussed the following Public Chapters:

Public Chapter 763

Permits licensee whose license have expired due to non-payment to obtain reinstate when payment of past due renewal fees, which are capped at twice the annual renewal fee, and unattained continuing education are completed. This replaces the current requirement of payment of all past due fees before reinstatement. This act took effect on July 1, 2016

Public Chapter 554

As enacted, extends the Tennessee Massage Licensure Board six years to June 30, 2022.

Public Chapter 956

As enacted, this preplaces the present law requirement that individual physician’s offices and practices register as medical spas, with a requirement that any physician-owned practice that advertises or holds itself out as a medical spa or a physician-owned practice that primarily engages in the performance of elective cosmetic medical services must register as a medical spa. This legislation further changes the deadline for submitting information related to registering as a medical spa from January 1, 2016, to January 1, 2017. This took effect on April 27, 2016.

Directors Report

As of July 30, 2016 there were 4271 licensed massage therapists and 1658 licensed massage establishments.

Following is the license status since the last meeting:

THERAPISTS	ESTABLISHMENTS
May 2016	May 2016
Newly Licensed – 45	Newly Licensed – 29
Reinstate Applications – 6	Reinstate Applications – 2
Retired- 13	Retired – 5
New Applications- 56	New Applications- 26

THERAPISTS	ESTABLISHMENTS
June 2016	June 2016
Newly Licensed – 35	Newly Licensed – 19
Reinstate Applications – 5	Reinstate Applications – 3
Retired- 18	Retired – 7
New Applications- 33	New Applications- 17

THERAPISTS	ESTABLISHMENTS
July 2016	July 2016
Newly Licensed – 26	Newly Licensed – 22
Reinstate Applications – 4	Reinstate Applications- 3
Retired- 28	Retired- 9
New Applications- 30	New Applications- 24

Office of Investigation/Disciplinary Report

Ms. Nichelle Dorroh, Disciplinary Coordinator, provided a report for the Board to review.

Office of General Counsel Cases

Consent Orders

Judy Cunningham – Sterling Salon f/k/a Truu Blue At The Chalet, 3698

Marc Guilford, Assistant General Counsel, presented and discussed the consent order for Sterling Salon f/k/a Truu Blue at the Chalet, which is owned and operated by Judy Cunningham. In February 2013, Ms. Cunningham allowed Augustus Ogiste, an unlicensed individual, to perform massage at Sterling Salon. The manager of Sterling Salon stated to the investigator for the Department of Health that Ogiste claimed to be a licensed massage therapist and only had worked approximately three days. After a discussion the Board found that Ms. Cunningham had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Cross made a motion, seconded by Ms. Burke to reprimand Ms. Cunningham’s establishment license based on T.C.A 63-18-108(7)(12), TENN. COMP. R. & REGS 0870-01-.02(1), and 0870-01-.02(2)(b)(1)(2). Ms. Cunningham shall pay one (1) Type A civil penalty of five hundred dollars (\$500.00), representing the civil penalty for allowing one unlicensed individual to practice in her establishment for less than one month. Ms. Cunningham must pay the actual and reasonable costs of investigating and prosecuting the case not to exceed three thousand dollars (\$3,000.00). The motion carried.

Mi Shell K. Bristol, L.M.T. – 9903

Samuel L. Moore, Assistant General Counsel, presented and discussed the consent order for Ms. Mi Shell K. Bristol. Ms. Bristol failed to obtain four (4) approved hours of continuing education in the 2013-2014 continuing education cycle. Upon discussion and review, the Board found that Ms. Bristol had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Bristol’s conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Bristol’s license was placed on probation, and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and four (4) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of Five Hundred Dollars (\$500.00). She was required to pay all actual and reasonable

costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00, and make up all continuing education hours and penalty hours for the 2013-2014 continuing education cycle.

Joel Demerdjian, L.M.T. – 4573

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the consent order for Mr. Armen Joel Demerdjian. Mr. Demerdjian failed to obtain twenty-one (21) approved hours of continuing education in the 2009-2010 continuing education cycle. On October 27, 2014, the Board entered an Agreed Order, which required him to pay a civil penalty assessment of \$1,350.00 and \$200.00 in cost by December 27, 2014. Mr. Demerdjian failed to pay his fines until June 2016. Upon discussion and review, the Board found that Mr. Demerdjian had violated his Agreed Order. Mr. Demerdjian's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Wray, to approve the consent order as written. The motion carried. Mr. Demerdjian's license was placed on probation for one year, and was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00).

Kayleigh Ann Gregg, L.M.T. – 6367

Jennifer Putnam, Assistant General Counsel, presented and discussed the consent order for Ms. Kayleigh Ann Gregg. Ms. Gregg failed to obtain eight (8) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Gregg had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Gregg's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Gregg's license was placed on probation, and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and eight (8) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation. The Consent Order has a total assessment of Four Hundred Dollars (\$400.00) instead of the correct amount of (700.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00, and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Shaoming Guo – Blue Sky Massage, 4236

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the consent order for Blue Sky Massage, which is owned and operated by Shaoming Guo. In September 2015, Mr. Guo allowed an unlicensed individual to perform massage for compensation. After a discussion the Board found that Mr. Guo had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Cross made a motion, seconded by Ms. Jagers to suspend Mr. Guo's establishment license based on T.C.A 63-18-108(7)(12), TENN. COMP. R. & REGS 0870-01-.02(1), and 0870-01-.02(2)(b)(1)(2).

The establishment license is suspended for two (2) months effective the date of entry of the Consent Order. After the two (2) months, Mr. Guo must appear before the Board to request that the suspension restriction be lifted. Once the suspension is lifted, the establishment license shall

immediately be placed on probation for a period of three (3) years. At the expiration of the three (3) year probation period, Mr. Guo must appear before the Board to request that the probation restriction be lifted. Mr. Guo shall pay one (1) Type B civil penalty of five hundred dollars (\$500.00), representing the civil penalty for allowing unlicensed practice in his establishment. Mr. Guo must pay the actual and reasonable costs of investigating and prosecuting the case not to exceed three thousand dollars (\$3,000.00). The motion carried.

Siedel Alvarez Shipp, L.M.T. – 8317

Samuel L. Moore, Assistant General Counsel, presented and discussed the consent order for Mr. Siedel Alvarez Shipp. Mr. Shipp failed to obtain four (4) approved hours of continuing education in the 2011-2012 continuing education cycle. Mr. Shipp signed an Agreed Citation on October 22, 2013 agreeing to pay civil penalties and complete the required 25 hours for the 2013/2014 cycle and an additional 10 hours by December 31, 2014. Mr. Shipp failed to obtain five (5) of the required thirty-five (35) hours. Upon discussion and review, the Board found that Mr. Shipp had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Shipp's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Jagers, to approve the consent order as written. The motion carried.

Mr. Shipp's license was suspended until he submitted the required five (5) hours along with six (6) penalty hours for the 2013/2014 cycle. Upon submission of hours, his license would be placed on probation until all civil penalties and cost are paid in full. Mr. Shipp was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and five (5) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of Five Hundred Fifty Dollars (\$550.00). He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars \$3,000.00 within twelve (12) months.

Latoshia D. Towns, L.M.T. – 3748

Samuel L. Moore, Assistant General Counsel, presented and discussed the consent order for Ms. Latoshia D. Towns. Ms. Towns failed to obtain seventeen (17) approved hours of continuing education in the 2011-2012 continuing education cycle. Ms. Towns signed a Consent Order, which was ratified on October 28, 2014, placing her license on probation. She agreed to pay civil penalties and complete the required 25 hours for the 2013/2014 cycle and an additional 23 hours by December 31, 2014. Ms. Towns failed to comply with the terms of the Consent Order. Upon discussion and review, the Board found that Ms. Towns had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Town's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Wray, to approve the consent order as written. The motion carried.

Ms. Towns' license was suspended until she submitted the required seventeen (17) hours along with six (6) penalty hours for the 2011/2012 cycle and pay One Thousand One Hundred and Fifty Dollars (1,150.00) in civil penalties per the October 28, 2014 ratified Consent Order. Upon submission of hours and fines, her license would be placed on probation until all remaining civil penalties and cost are paid in full. Ms. Towns was assessed one (1) Type C Civil Penalty in the

amount of One Hundred dollars (\$100.00) for failing to comply with the Board Order. She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars (\$1,000.00).

Juan Zhang, L.M.T.-11199

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the Consent Order for Juan Zhang. Ms. Zhang originally received a passing MBLEx score on February 11, 2012. On December 16, 2015 Ms. Zhang was notified that the MBLEx score was invalid and there was a twelve (12) month waiting period before reapplying to take the exam. Ms. Zhang violated T.C.A. 63-18-101; 63-18-105(b)(3); 63-18-108, and Tenn. Comp. R. & Regs. 0870-01-.01 and 0870-01-.04(1)(f). After a discussion and review, the Board found that Ms. Zhang had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Zhang's conduct constitutes grounds for discipline. A motion was made Ms. Burke, seconded by Ms. Wray, to accept the consent order as written. The motion carried.

Ms. Zhang's massage therapist license was revoked, and may reapply to be licensed as a massage therapist once she has proof of a passing score on an examination approved by the Board. Ms. Zhang is required to pay all actual and reasonable costs or prosecuting the case not to exceed above three thousand dollars (\$3000.00). Revocation is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

Agreed Orders

Ping Cao L.M.T. -10169

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the Agreed Order for Ping Cao. Ms. Baca-Chavez represented the state. On September 14, 2014 Ms. Cao was arrested by the Franklin Police Department at the Golden Butterfly Spa in Franklin, Tennessee. On August 6, 2015 the Williamson County Circuit Court entered a judgement convicting Ms. Cao of prostitution. Ms. Cao violated T.C.A. 39-13-513, T.C.A. 63-18-101 & 108, and Tenn. Comp. R. & Regs. 0870-01-.01 and 0870-01-.19(1). After a discussion and review, the Board found that Ms. Cao had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Cao's conduct constitutes grounds for discipline. A motion was made Ms. Cross, seconded by Ms. Wray, to accept the agreed order as written. The motion carried.

Ms. Cao's massage therapist license was revoked. Revocation is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

Heather Dee Catura L.M.T.- 7809

Jennifer Putnam, Assistant General Counsel, presented and discussed the Agreed Order for Heather Dee Catura. Ms. Catura failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found the Ms. Catura had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her continuing education hours. Ms. Catura conduct constitutes

grounds for discipline. A motion was made by Ms. Burke, seconded by Ms. Cross, to accept the agreed order as written. The motion carried.

Ms. Catura's massage therapist license was placed on probation. She was assessed one (1) type B civil penalty in the amount of Three hundred dollars (\$300.00) and twenty-five (25) type C civil penalties in the amount of fifty dollars (\$50.00) each representing one (1) civil penalty per hour that she was deficient for a total assessment of one thousand five hundred and fifty dollars (\$1550.00). She is required to pay all actual and reasonable costs or prosecuting the case not to exceed above one thousand dollars (\$1000.00) and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Meiqin Cui, L.M.T.-10621

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the Agreed Order for Meiqin Cui. Ms. Cui originally received a passing MBLEx score on November 19, 2011. On October 27, 2015 Ms. Cui was notified that the MBLEx score was invalid and there was a twelve (12) month waiting period before reapplying to take the exam. Ms. Cui violated T.C.A. 63-18-101; 63-18-105(b)(3); 63-18-108, and Tenn. Comp. R. & Regs. 0870-01-.01 and 0870-01-.04(1)(f). After a discussion and review, the Board found that Ms. Cui had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Cui's conduct constitutes grounds for discipline. A motion was made Ms. Cross, seconded by Ms. Wray, to accept the agreed order as written. The motion carried.

Ms. Cui's massage therapist license was revoked, and may reapply to be licensed as a massage therapist once she has proof of a passing score on an examination approved by the Board. Ms. Cui is required to pay all actual and reasonable costs or prosecuting the case not to exceed above three thousand dollars (\$3000.00). Revocation is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

Melvin Odom Jr., L.M.T.-11483

Andrea Huddleston, Chief Deputy General Counsel, presented and discussed the Agreed Order for Melvin Odom, Jr. Mr. Odom was originally licensed on February 19, 2016. On or about June 30, 2016 Mr. Odom's massage therapist license was summarily suspended by this Board. On two (2) different occasions at two (2) different employment locations mentioned in this order, he was found guilty of unethical or unprofessional conduct. Mr. Odom violated T.C.A. 63-18-108(7)(12) and Tenn. Comp. R. & Regs. 0870-01-.01 & 0870-01-.19. After a discussion and review, the Board found that Mr. Odom had violated the Tennessee Massage Licensure Board statutes and regulations. Mr. Odom conduct constitutes grounds for discipline. A motion was made Ms. Cross, seconded by Ms. Easterly, to accept the agreed order as written. The motion carried.

Mr. Odom's massage therapist license was revoked. Revocation is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

Valencia T. Reynolds, L.M.T.-7266

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the Agreed Order for Valencia T. Reynolds. Ms. Reynolds failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found the Ms. Reynolds had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her continuing education hours. Ms. Reynolds conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Wray, to accept the agreed order as written. The motion carried. Mr. Velker opposed.

Ms. Reynolds was assessed a two hundred dollar (\$200.00) filing fee. Ms. Reynold's is required to pay all actual and reasonable costs or prosecuting the case not to exceed above one thousand dollars (\$1000.00) and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Lorna Lewis-Tummy Solutions, 2782

Marc Guilford, Assistant General Counsel, presented and discussed the agreed order for Ms. Lorna Lewis, owner and operator of Tummy Solutions. Ms. Lewis's attorney, Alex Fisher, was also present to speak to the Board. Ms. Lewis, who is not a massage therapist, practiced "lypossage" at Tummy Solutions, among other services for several years up to 2012. In April 2011 the Department of Health sent Ms. Lewis and Tummy Solutions a letter of warning directing her to cease and desist advertising or performing massage therapy services unless she ensured that any individual performing those services a Tummy Solutions was properly licensed. As of August 2016 Tummy Solutions was still advertising lypossage. As the owner and responsible person of Tummy Solutions establishment, Ms. Lewis violated T.C.A 63-18-101, T.C.A 63-18-108, and TENN COMP. R. & REGS 0870-01-.02(1), (2)(b)(1) and 0870-01-.04. After discussion and review, the Board found that Ms. Lewis had violated the Tennessee Massage Licensure Board statutes and regulations. Her conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to accept the Agreed order as written. The motion carried.

Ms. Lewis's massage establishment license is hereby placed on probation until all costs and civil penalties have been paid in full, at that time the probation shall automatically be lifted. Ms. Lewis is assessed to pay twenty (20) Type A Civil Penalties in the amount of Five Hundred dollars (\$500.00), each presenting a civil penalty per every two months she continued to practice lypossage after receiving a cease and desist notification letter for a total civil penalty of Five Thousand Dollars (\$5,000). Ms. Lewis is also required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00.

Marquistos D. Walton, L.M.T.-7653

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the Agreed Order for Marquistos D. Walton. Mr. Walton failed to obtain seven (7) approved hours of twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found the Mr. Walton had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her continuing education hours. Mr.

Walton conduct constitutes grounds for discipline. A motion was made by Ms. Wray, seconded by Ms. Cross, to accept the agreed order as written. The motion carried.

Mr. Walton's massage therapist license was placed on probation. He was assessed one (1) type B civil penalty in the amount of Three hundred dollars (\$300.00) and seven (7) type C civil penalties in the amount of fifty dollars (\$50.00) each representing one (1) civil penalty per hour that he was deficient for a total assessment of six hundred and fifty dollars (\$650.00). He is required to pay all actual and reasonable costs or prosecuting the case not to exceed above two thousand dollars (\$2000.00) and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Luwen Yuan, L.M.T 10090- Golden Butterfly Spa, 3895

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the Agreed Order for Luwen Yaun, owner and operator of Golden Butterfly Spa. On or about September 24, 2014 at Golden Butterfly Spa, a confidential informant for the Franklin Police Department was offered a sex act in exchange for money by a Golden Butterfly Spa employee. On or about August 6, 2015 Ms. Yuan plead guilty to one count of attempted money laundering, one count of Massage of an Erogenous Zone. Ms. Yuan was placed on judicial diversion and sentenced to four years supervised probation. Ms. Yuan violated T.C.A 63-18-101, T.C.A 63-18-108, and TENN COMP. R. & REGS 0870-01-.02 (1),(4) and 0870-01-.19(1).

After discussion and review, the Board voted and found that Ms. Yaun had violated the Tennessee Massage Licensure Board statutes and regulations. Her conduct constitutes grounds for discipline. Ms. Yuan's massage establishment and massage therapist license was revoked. Revocation is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

Office of General Counsel Report

Mr. Marc Guilford stated there are currently an estimated 120 open cases in OGC that pertain mostly to continuing education. He informed the Board that the rulemaking packet is in the Governor's office for approval. The Sunset Review Hearing extended the Tennessee Massage Board for six (6) years.

Financial Report

The Tennessee Massage Licensure Board's Revenue and Expenditures for Fiscal Year 2016 thru December 31, 2015 was available for the Board to review. The Board's revenue was \$369,997.31 and expenditures totaled \$261,987.34, which left a current year net of \$108,009.97. The Board's current cumulative carryover is \$1,146,384.11.

Continuing Education Report

Ms. Hodge stated from January 2015 to December 2015 the compliance unit audited a total of 603 massage therapists. Of the massage therapists audited, 505 were compliant (84%) and 98

were non-compliant (16%). Sixty-two (62) licensees were deficient in required continuing education hours. Thirty-seven (37) failed to contact the compliance unit or submit documentation.

Ratify Agreed Citations for Lapsed Licenses

Ms. Cross made a motion, seconded by Ms. Wray, to approve the list of Agreed Citations for lapsed licenses:

Angelica S. Ruano, LMT - 10604

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

Dru McCutchen-Hotz, Owner, Innovative Bodywork of Knoxville - 69

Mr. McCutchen-Hotz agreed to pay a civil penalty in the amount of \$850.00 for operating a massage establishment on a lapsed license for ten (10) months. The motion carried.

Ratify Agreed Citations for Continuing Education Violations

Upon review, Ms. Cross made a motion, seconded by Ms. Wray, to approve the list of Agreed Citations. The motion carried.

Cari Beth Barger, LMT

Ms. Barger agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2013/2014 continuing education cycle.

Michelle J. Boucher, LMT

Ms. Boucher agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2013/2014 continuing education cycle.

Sarah Breese, LMT

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

Benjamin C. Crabtree, LMT

Mr. Crabtree agreed to pay civil penalties in the amount of \$400.00 for failing to obtain ten (10) hours of continuing education during the 2013/2014 continuing education cycle.

Lora I. Farmer, LMT

Ms. Farmer agreed to pay civil penalties in the amount of \$175.00 for failing to obtain one (1) hour of continuing education during the 2013/2014 continuing education cycle.

Katrinia L. Ferguson, LMT

Ms. Ferguson agreed to pay civil penalties in the amount of \$325.00 for failing to obtain seven (7) hours of continuing education during the 2013/2014 continuing education cycle.

Tammy Hearn, LMT

Ms. Hearn agreed to pay civil penalties in the amount of \$675.00 for failing to obtain twenty-one (21) hours of continuing education during the 2011/2012 continuing education cycle.

Janna C. Hudson, LMT

Ms. Hudson agreed to pay civil penalties in the amount of \$275.00 for failing to obtain five (5) hours of continuing education during the 2013/2014 continuing education cycle.

Kayley N. McDonald, LMT

Ms. McDonald agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Lisa Pace, LMT

Ms. Pace agreed to pay civil penalties in the amount of \$625.00 for failing to obtain nineteen (19) hours of continuing education during the 2013/2014 continuing education cycle.

Deborah R. Ritter, LMT

Ms. Ritter agreed to pay civil penalties in the amount of \$625.00 for failing to obtain nineteen (19) hours of continuing education during the 2013/2014 continuing education cycle.

Carol D. Shepler, LMT

Ms. Shepler agreed to pay civil penalties in the amount of \$400.00 for failing to obtain ten (10) hours of continuing education during the 2011/2012 continuing education cycle.

Jill M. Shirrel, LMT

Ms. Shirrel agreed to pay civil penalties in the amount of \$675.00 for failing to obtain twenty-one (21) hours of continuing education during the 2011/2012 continuing education cycle.

Lavada P. Thaxton, LMT

Ms. Thaxton agreed to pay civil penalties in the amount of \$600.00 for failing to obtain eighteen

(18) hours of continuing education during the 2011/2012 continuing education cycle.

Kristy M. Tomassoni, LMT

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

Lianji Wu, LMT

Ms. Wu agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2013/2014 continuing education cycle.

Ratifications

Ms. Cross made a motion, seconded by Ms. Burke, to approve the lists of ratification for initial and reinstated licenses for massage therapists and massage establishments. The ratification list included initially approved and approved conditional licenses from the July 19, 2016 Application Review Committee. The motion carried.

Massage Therapist

Alford Jessica Lynn	Leathers Sara Caitlin
Arthur Jacqueline	Leyden Megan Elizabeth
Atkins Toby Demonte	Lin Qiaoxia
Belcher Maisey Elaine	Liu Jun
Bey Anjelina	Liu Yanru
Brinsko Amanda J.	Martin Meredith Amanda
Brown-Flynn Terry Ruth	Maurino Jolene Marie
Caicedo Elena Claudia	May Jennifer Kate
Carpenter Andria Nicole	Mccolligan Meijuan
Castro Patricia Mendes	Mcdonald Jacqueline Skye
Chavarria Lauren Kristen	Oakley Mirian
Chirinos Nelly	Odren David
Clark Erin Elizabeth	O'Mara Megan Elizabeth
Connors Haden Christine	Pennington Jennifer Lynn
Cornett Carly Shae	Pressley Adam Michael
Crafton Natalie Rhea	Ray Judy Lynne
Crosby Kirk Alan	Rezzemini Harry Louis Jr.
Cumberton Kara Anne	Rosinski Amy Nichole
Eastwood Holly Lane Snow	Santa Lucia Michelle Anne
Fluharty Cindi Marie	Schoenfelder Maressa Lynn
Fortner John Wesley	Sheppard Emma Grace
Fox Derek Austin	Sliwinski Amber Nicole
Gaby Connie Louisa	Stiegler Gloria Diane

Gallup Douglas James	Summerville Jordan Shea
Greer Jeryd Tyler	Tarlowski Lauren
Greve Dana Ann	Thomas Charles Richard
Hargis Spencer Lee	Thompson Lisa Michelle
Harrington Katerina Novotna	Tian Huidong
Harris Doreen Coston	Tingle Cortney Renee
Hartman Sharon Faye	Toups Nikki Paige
Hatch Christian Alexander Neil	Turnage Taylor Marie
Hatmaker Jessica Rae	Walker Christin Anne
Hoover Andrew Eugene	Walton Jonathan Luther
Hou Jianping	Wang Jianling
Hunt Kaitlyn Sierra	Wang Li
Hyslip Joshua Francis	Wang Wenli
Israel Maaziah Aitan	Wells Christian Joseph
Johnson Jamie Elaine	White Jacquelyn Y.
Johnson Rachel Baila	Wilson Jennifer Marie
Klein Lyndsey Nicole	Wix Donny Lee
Kniep Owen Martin	Xie Junmei
Landry Sherry Michelle	Yeager Andrea Michelle
Lange Sheila Marie	Zhu Baoze

Massage Therapists Reinstated

Angel Danielle Renee	Simon Amy Renee
Cutler Kathleen Russchelle	Truitt Mary Sue
Gambill Desiree T.	Walker Daniel Wesley
Howard Candace Renea	Watkins Angela Carol
Jantsch Kristie Lynn	Williams Tia Patrice
Maye Shannon Channele	Bear Artessina S.
Morris Jill Marie	Goodwin Misty Lynn
Powe Keri Lynn	Harris Sarah Melisa
Ransom D'Naja Chantel	Herrell Rebecca Michelle
Rochefort Ursula Amber	Rostami Arezoo
Ruano Angelica S	Sala Stephanie Dawn
Shannon Ciera S	

Massage Establishments

A Peaceful Escape Massage	Lawrence Bodyworks
Acu Massage	Le Angelle
Aisin Health & Wellness Center	Lift Wellness Center Lbn: Jackson-Madison County
Alyssa At The Ritz	Lisa Morris Dc D/B/A Family Chiropractic Of Chattanooga

Amy Rosinski Lmt	Mbk Wellness/Massage By Kenneth
Aroma'S Therapy	Melissa A. Benton
At Last Day Spa And Salon	Osho Llc
Attitude Of Wellness	Peabody Management Inc. Dba Feathers Spa
Benchmark Physical Therapy (Legal:	Relax Massage 2
Bloom Day Spa Inc	Resilient Health And Performance
Blue Sky Massage	Salt Medspa Of Hendersonville Llc
Body & Soul Massage	Sonic Sciences
Body And Mind Therapy	Spalon Three
Bow Tie Massage Llc	Sports Plus Aquatherapies Lbn: Jackson-Madison County
Brookelynn On Main Salon & Spa	Sugar Moon Skincare Studio
Calming Solutions	Tea Spa
Centered Health & Wellness	The Healing Path
Chattanooga Massage Institute Inc	The Retreat
Creative Style'S Massage	Total Body Alive
Essential Reflexology Llc	Totty Chiropractic Of Mt. Juliet Pllc
Exhale Massage And Wellness	Unique Lash & Massage Studio
Haley'S Hands Therapeutic Massage & Body	Vital Essence Massage
Head To Toe Massage	Vitality Wellness Pllc
Healed By His Grace - Massage	Wink Skincare
Impact Fitness And Wellness Solutions Llc	Wolff Massage Therapy
Katie Slachciak Lmt	Yan Bai Dba Ocean Spa
Kinetix Massage Therapy	Yazhou Zhang Dba Relax Massage
Kristy Parks-Massage	Zensations Massage
Laurie Wheeler Massage Therapy	

Massage Establishments Re-Activated

About You Salon And Day Spa	Sunflower Health Store
Chiropractic Health Center	The Crystal Palace
High Pointe Rehab Llc	The Sunny Side Dba Dulcinea Day Spa
Innovative Bodywork Of Knoxville	Janice B. Sullivan Lmt
Intellectual Massage	Stacy Payne Lmt

Approved Continuing Education Courses

None to approve

Review Board Correspondence

Cher Farnsworth, LMT – Letter of Concern regarding establishment

Ms. Lisa Lampley, Massage Board Director, read a letter from Cher Farnsworth regarding her

concerns about an establishment located in Bellevue. Ms. Farnsworth suggested that the Board consider regulating massage practice hours due to some massage establishment providing unsolicited services and illegal activities. Ms. Farnsworth went on to suggest that operation hours could be between 6:00 am – 10:00 pm, which would protect the safety of the public and reduce sexual conduct. After a brief discussion, the Board requested that Mr. Guilford research the legality of regulating establishment hours and provide additional information to the Board at a future meeting.

Noelle McIntye – Clarification regarding Establishment License

Ms. Lisa Lampley, Massage Board Director, read a letter from Noelle McIntye seeking clarification from the Board regarding if/when an establishment license is needed to perform massage on oncology outpatients. Ms. McIntye founded Tennessee Massage Oncology Associates and is planning on working with 27-30 hospitals and clinics across Tennessee offering massages at the facilities to oncology patients before and after chemotherapy. After a brief discussion, the Board agreed that the service provided by Ms. McIntye was considered an outcall and no establishment license was required. No further action was taken.

Chris McLaughlin, LMT – Green Hills Muscular Therapy, LLC

Ms. Lisa Lampley, Massage Board Director, read a letter from Chris McLaughlin seeking clarification from the Board regarding if/when an establishment license is needed to perform chair massage at 21 corporations. Ms. McLaughlin currently owns a corporate chair-massage business that has five (5) massage therapists that are independent contractors that offer service to 21 corporations across middle Tennessee. After a brief discussion, the Board agreed that the service provided by Ms. McLaughlin was considered an outcall and no establishment license was required. Mr. Guilford will issue Ms. McLaughlin a letter with the Board's decision.

Katrina Farber, LMT – Midtown Massage & Bodywork - Deferred

Ms. Farber requested that her correspondence be deferred until the October 2016 Board meeting.

Request for Continuing Education Waiver

Kimberly Belt, LMT

At the May 2, 2016 Board Meeting, Ms. Belt requested a waiver for six (6) continuing education hours for the 2015/2016 continuing education cycle due to financial reasons. Ms. Belt e-mailed a letter to the Board Administrative Office for the Board to review. The Board voiced their concerns regarding lack of documentation to support the claims in Ms. Belt's e-mail. After a discussion, Ms. Cross made a motion, seconded by Wray to approve Ms. Belt's waiver contingent upon her submitting proof to the Board Administrative Staff of her financial hardships that she addressed in her e-mail. The motion carried with Ms. Jagers and Ms. Easterly abstaining.

As of the August 8, 2016 Board meeting, Ms. Belt had not responded to the Board's request for supporting documentation regarding her financial hardship. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray to deny Ms. Belt's waiver request due to lack of supporting documentation. The motion carried with Mr. Velker opposed.

Ron Spain, LMT

Mr. Spain requested a waiver for twenty-five (25) continuing education hours for the 2015/2016 continuing education cycle due to medical reasons. Mr. Spain mailed a letter requesting a waiver along with a letter from his medical doctor at Vanderbilt to the Board Administrative Office for the Board to consider and review. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Jagers to approve Mr. Spain's waiver request. The motion carried.

Discuss Mr. Velker's request for full disclosure regarding therapist and establishment application files

Mr. Velker expressed his concerns regarding germane information that the Administrative Office knows that is not shared with the Board when considering files and applicants before the Board. Mr. Guilford and Ms. Hodge explained that the Administrative Office is not legally allowed to discuss pending cases that could be connected to a file. Ms. Lampley stated that the Administrative Office presents all information that can be disclosed to the Board for them to review regarding applicant interview files. Mr. Guilford also suggested that the Board can defer a file to allow time for an investigator to visit the establishment or contact the therapist.

Additional Board Meeting for Contested Case Hearings

The Administrative Staff will be contacting the Board Members to get a quorum and schedule a special day for the contested case hearings.

Policy regarding Online Core Curriculum

Discussion is deferred until the October 24, 2016 meeting.

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

The Board took no action.

Pilot program of the Massage Therapy Licensing Database (MTLD) for the Federation of State Massage Boards

The Board decided to defer the topic until the October 24, 2016 Board meeting.

The meeting adjourned at 8:27 pm.

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
August 9, 2016

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

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

Members Present: Ed Bolden, LMT Chairperson
Cynthia Jagers, LMT,
Marvis Burke, LMT, Secretary
Julie J. Wray, LMT
Christi Cross, Citizen Member
Bethann Easterly, LMT
Michael Velker, Citizen Member

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

The meeting was called to order at 9:15 a.m. by Dr. Ed Bolden, Board Chairperson. Dr. Bolden welcomed everyone to the meeting and encouraged the students to attend the Board meetings and become an active part of the massage and bodywork profession. Dr. Bolden said the reason the Board exists is to protect the health, welfare and safety of the citizens of the state of Tennessee. Prior to conducting business, Lisa Lampley conducted a roll call to establish a quorum. A quorum was present.

Contested Case Hearings – Proposed Final Orders

Lian Matagolai, LMT 9765 & Professional Healing Center 3942

Mr. Marc Guilford, Board Attorney, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Thomas Stovall. Ms. Matagolai was present and was represented by her attorney, Shawn Sirgo of the Nashville Bar, for her contested case hearing. The Office of General Counsel provided an interpreter from the Tennessee Foreign Language Institute for hearing. The interpreter, Ms. Jiao Hoggard, translated all information to and for Ms. Matagolai regarding her case.

Ms. Matagolai was a licensed massage therapist that owned and operated Professional Healing Center, located at 179 Belle Forest Circle, Suite 102-B, in Nashville, TN. The establishment was previously known as AAA Chinese Therapeutic Massage located at 915 Harpeth Valley Place in Nashville, TN and Lucky 7 Healing Center located at 120 Seaboard Lane, Suite A, in Franklin, TN. In early August 2014, Ms. Matagolai allowed at least three unlicensed women to practice

massage in her establishment. At least one of the three women performed a massage on a male client in exchange for money. Ms. Matagolai stated that the women were friends that were watching the business for her. Ms. Matagolai also failed to ensure her establishment used proper sanitary practices, such as changing and cleaning towels, cloth massage table covers, and pillows that were in contact with a client's body.

Mr. Sirgo called Ms. Lian Matagolai to testify in her own defense. Mr. Guilford called Ms. Marie Randolph, Investigator for the Tennessee Department of Health, to testify on the behalf of the Department of Health, and presented an affidavit from Kimberly Hodge, Massage Board Manger, for the Board to review. After a discussion the Board found that Ms. Matagolai had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Cross made a motion, seconded by Ms. Wray to adopt the proposed order with amendments to revoke Ms. Matagolai's therapist and establishment license based on T.C.A 63-18-108(7)(12), TENN. COMP. R. & REGS 0870-01-.02(1), 0870-01-.02(2)(b)(1)(2), & 08-01-19(1). Ms. Matagolai and Professional Healing Center agree to pay three (3) Type A civil penalties of one thousand dollars (\$1,000.00) each, representing the one such civil penalty per unlicensed individual who was found working at Professional Healing Center in August 2014, for a total civil penalty of three thousand dollars (\$3,000.00). Ms. Mataolai and Professional Healing Center must pay the actual and reasonable costs of investigating and prosecuting the case not to exceed five thousand dollars (\$5,000.00). The motion carried with Mr. Velker opposed.

Hongyu Duan

Mr. Marc Guilford, Board Attorney, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Thomas Stovall. Ms. Duan was present and waived her rights to have an attorney present for her contested case hearing. The Office of General Counsel provided an interpreter from the Tennessee Foreign Language Institute for hearing. The interpreter, Ms. Jiao Hoggard, translated all information to and for Ms. Duan regarding her case.

Ms. Duan requested a hearing in order to appeal her license denial. Mr. Guilford based his case on Ms. Duan's guilty plea for impersonation of a licensed professional in 2013, misrepresentation of her massage education history on her massage application, misrepresentation of her employment history, misrepresentation of the licenses and certification she held, and an inaccurate or falsified letter of recommendation. After a discussion and review, the Board found that Ms. Duan had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Cross made a motion, seconded by Ms. Wray to adopt the proposed order and deny Ms. Duan's massage therapist license application based upon T.C.A 63-18-108(1)(9)(12). The motion carried.

Matthew John Vincent, 8618

Mr. Keith Hodges, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Thomas Stovall. Mr. Vincent was present and waived his rights to have an attorney present for his contested case hearing. Mr. Hodges presented a sworn affidavit from Kimberly Hodge, Board Manager, regarding Mr. Vincent's massage licensure and continuing education audit. Mr. Vincent stated that he couldn't provide proof of the continuing education hours he completed in the 2011-2012 cycle

Mr. Vincent failed to obtain twelve (12) of the required prorated approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Mr. Vincent had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Vincent's conduct constitutes grounds for discipline. Mr. Velker made a motion, seconded by Ms. Cross, to amend the numbering of the order and the civil penalties. The motion carried. Ms. Cross made a motion, seconded by Ms. Burke, to approve the proposed order as amended. The motion carried.

Mr. Vincent's license was placed on probation, and he was assessed one (1) Type B Civil Penalty in the amount of One Hundred Fifty dollars (\$150.00) and twelve (12) Type C Civil Penalties in the amount of twenty-five dollars (\$25.00) for each continuing education hour violation for a total assessment of Four Hundred Fifty Dollars (\$450.00). He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars \$2,000.00, and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Xiaogang Zhang, 7510 & Shui Spa 3905

Mr. Marc Guilford, Board Attorney, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Thomas Stovall. Mr. Zhang was present and waived his rights to have an attorney present for his contested case hearing. The Office of General Counsel provided an interpreter from the Tennessee Foreign Language Institute for hearing. The interpreter, Ms. Jiao Hoggard, translated all information to and for Mr. Zhang regarding his case.

Mr. Zhang was a licensed massage therapist that owned and operated, Shui Spa located at 112 Saundersville Road, Suite B220, in Hendersonville, TN. Shui Spa operated prior to becoming licensed, from about April 2013 through November 7, 2013. In September 2014, Mr. Zhang employed at least two unlicensed individuals to practice massage therapy at Shui Spa (Yulian Yang and Xu Qiang Sun). Ms. Yulian Yang and Ms. Jerri Brown, Investigator for the Tennessee Department of Health, testified as witnesses for the Tennessee Department of Health.

After a discussion the Board found that Mr. Zhang had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Cross made a motion, seconded by Mr. Velker to revoke Mr. Zhang's therapist and establishment license based on T.C.A 63-18-108(7)(12), T.C.A 63-18-104(a)(b), TENN. COMP. R. & REGS 0870-01-.02(1), and 0870-01-.02(2)(b)(1)(2). Mr. Zhang and Shui Spa shall pay one (1) Type A civil penalty of five hundred dollars (\$500.00), representing the civil penalty for opening and unlicensed establishment. They should also pay forty (40) Type B civil penalties of two hundred dollars (\$200.00) each, representing one such penalty per massage table per month that the establishment operated prior to becoming licensed, for a total civil penalty of eight thousand five hundred dollars (\$8,500.00). Mr. Zhang and Shui Spa must pay the actual and reasonable costs of investigating and prosecuting the case not to exceed five thousand dollars (\$5,000.00). The motion carried.

The meeting was adjourned.

These minutes were ratified at the meeting held on October 24 – 26, 2016.