

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**February 8, 2016**

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

Location: 665 Main Stream Drive  
HRB Conference Center  
1<sup>st</sup> 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 9:22 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 November 2-3 2015 minutes, Ms. Cross made a motion, seconded by Ms. Burke, to approve the minutes as written. The motion carried.

**Office of Investigation/Disciplinary Report**

Ms. Nichelle Dorroh, Disciplinary Coordinator, reported the Board currently has thirty-one (31) open complaints against massage therapist and twelve (12) open complaints against massage establishments in the Office of Investigations. Ms. Dorroh introduced Ms. Antoinette Welch, Director of Office of Investigations, to the Board.

**Applicant Interviews**

### **Xiuquin Lui**

Ms. Xiuquin Lui was asked to appear before the Board to answer and explain concerns regarding the educational transcript submitted for her massage therapy application. Ms. Lui's application was first reviewed by the Applicant Review Committee at the January 21, 2016 meeting. Ms. Lui was present at the January 21, 2016 meeting, and the ARC Committee recommended denial of Ms. Lui's massage therapist application. The Committee's decision was based on evidence that the massage school Ms. Lui attended, American Purlinton Institute, is now listed as an unapproved school on the California Massage Therapy Council web site. Ms. Lui was not present at the meeting. Ms. Cross made a motion, seconded by Mr. Velker, to proceed with a discussion and decision regarding Ms. Lui's massage therapist application. The motion carried. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross, to deny Ms. Lui's massage therapist application based on T.C.A 63-18-108 (1)(7). The motion carried.

### **Yanhua Liu**

Ms. Yanhua Liu was asked to appear before the Board to answer and explain concerns regarding the many inconsistencies in her massage therapy application. Ms. Liu's application was first reviewed by the Applicant Review Committee at the January 21, 2016 meeting. Ms. Liu was present at the January 21, 2016 meeting, and the ARC Committee recommended denial of Ms. Liu's massage therapist application. The Committee's decision was based on Ms. Liu's statements and evidence of several inconsistencies in her file, which included Ms. Liu incorrectly answering the application question five (5) competency questions regarding denial of a license in another state. Also, based on Ms. Liu's FSMTB MBLEx scores, she reported she attended ZMS, but the transcript received in the Tennessee Massage Board Administrative Office reflected Brightness School for the Blind. Ms. Liu was not present at the meeting. Ms. Cross made a motion, seconded by Ms. Jagers, to proceed with a discussion and decision regarding Ms. Liu's massage therapist application. The motion carried. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray, to deny Ms. Liu's massage therapist application based on T.C.A 63-18-108 (1)(7). The motion carried.

### **Jenny Yi**

Ms. Jenny Yi submitted a re-instatement application for the Board to review and take action. Ms. Jenny Yi requested at the November 2, 2015 Meeting that her re-instatement application be deferred for review at the February 8, 2016 Massage Board Meeting. Ms. Yi was asked to appear before the Board to discuss and answer concerns regarding a 2009/2010 continuing education violation that was referred to the Office of General Council, and possible unlicensed practice in Rhode Island. Ms. Yi was not present at the meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with a discussion and decision regarding Ms. Yi's massage therapist re-instatement application. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross, to deny Ms. Yi's massage therapist re-instatement application based on violation of the practice act for continuing education violations, failure to obtain and submit the required twenty-hours of continuing education for re-instatement of licensure, and possible unlicensed practice in another state. The motion carried.

### **Tian Xia – Foot Retreat Massage**

Ms. Tian Xia appeared before the November 2, 2015 Board to answer and explain concerns regarding her establishment application. Ms. Xia was requested to appear before the Board based on evidence that showed her establishment had been open and in operation before being approved for an establishment license. At the November 2, 2015 meeting, the Board voted to deny Ms. Xia's establishment application based on T.C.A 63-18-108 (1)(7) and T.C.A 63-18-104 (a)(b). Ms. Xia was instructed by the Board to cease offering massage services until she was approved for an establishment license.

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. Xia's establishment licensure application for Foot Retreat Massage. The Board reviewed the new establishment application for Tian Xia, a registered reflexologist, who applied for establishment license for Foot Retreat Massage in Chattanooga, TN. Ms. Xia complied with the Board's request by removing all advertisement for massage from the web and ceasing all massage services at her establishment. After a brief discussion, Ms. Easterly made a motion, seconded by Ms. Burke to approve the establishment application for Foot Retreat Massage. The motion carried.

### **Rhonda Sue King**

Ms. Rhonda King requested to appear 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. The motion carried.

Ms. King requested to appear again before the Board to express her concerns and disagreement with TnPAP's recommendations and requirements, and to request that the Board consider granting her a massage license. 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 then completion 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. After further discussion, 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. The motion carried with Ms. Cross opposed. Mr. Velker made an additional motion that upon completion of TnPAP's requirements and recommendations, that Ms. King only be required to submit an updated massage therapist application, a new criminal background check, and that all fees be waived. Ms. Easterly seconded the motion, and the motion carried.

### **Andrea Mickelson – Natural Healing**

Ms. Andrea Mickelson appeared before the Board to answer and explain concerns regarding her establishment application for Natural Healing located at 203-C Stones River Mall Blvd, Murfreesboro; TN. Ms. Mickelson's application was first reviewed by the Applicant Review Committee at the January 21, 2016 meeting. Ms. Mickelson was present at the January 21, 2016 meeting, and the ARC Committee recommended that her establishment application be deferred to the Board. The Committee's decision was based on the fact that the location for which Ms. Mickelson applied for license has two other massage establishment applications pending. After the January 21, 2016 meeting, Ms. Mickelson submitted a letter to the Administrative Office requesting to withdraw her establishment application. After a brief discussion, Ms. Cross made a motion, seconded by Mr. Velker, to allow Ms. Mickelson to withdraw her application. The motion carried.

### **Aimee Dawn Griffith**

Ms. Griffith was asked to appear before the Board to explain why she answered "no" to her massage therapist application regarding any convictions other than a minor traffic offense. Ms. Griffith's criminal background check revealed a 2000 conviction for driving on a suspended license and a 2001 conviction for simple possession. Ms. Griffith was not present at the meeting. Ms. Burke made a motion; seconded by Ms. Cross, to proceed with a discussion and decision regarding Ms. Griffith's massage therapist application. After a brief explanation, Ms. Wray made a motion, seconded by Ms. Cross, to grant Ms. Griffith 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 \$95.00 application fee. The motion carried.

### **Eric Anderson, DC – Eric Anderson, P.A. D/B/A Anderson Chiropractic**

Dr. Eric Anderson, DC appeared before the Board to answer and explain concerns regarding his establishment application for Eric Anderson, P.A D/B/A Anderson Chiropractic located at 2732 Highway 411 South in Maryville, TN. He was requested to attend the Board meeting based on evidence that the location for which he applied for licensure had been open and operating without a license, and that Christine Ann Valentino II, which is Dr. Anderson's massage therapist, was practicing as an unlicensed chiropractic assistant. Dr. Anderson explained to the Board that he was unaware that he was required to obtain an establishment license. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray, to deny Dr. Anderson's establishment application based on T.C.A 63-18-108 (1) and T.C.A 63-18-108 (5). The motion carried.

### **Financial Report**

Ms. Vanessa Crutcher discussed with the Board the Fiscal Year Report ending June 30, 2015. Ms. Crutcher reviewed the report stating salary and a benefit are for the Board's support staff and includes Board members per diem for attending all Board meetings and other Board business. She briefly discussed all other direct expenditures for the Board, which totaled \$431,021.63 Ms. Crutcher stated that Investigations and the Office of General Counsel kept records of all time devoted to work on Board business. The Board's total allocated expenditures for administration, legal, investigations and the cash office totaled \$258,991.23. The Board's

total expenditures for FY 2015 were \$690,012.86; revenue of \$742,052.03; current year net of \$52,039.17; and a cumulative carryover of \$1,038,374.14. Dr. Bolden stated that the Board’s legal fees would be increasing by a substantial amount for 2016 due to additional attorneys helping work massage cases. Ms. Crutcher briefly discussed with the Board the possibility of decreasing fees, but encouraged the Board to wait to discuss fee decreases until after the 2016 fiscal year end.

**Directors Report**

As of January 31, 2016 there were 4,275 licensed massage therapists and ,1652 licensed massage establishments.

Following is the license status since the last meeting:

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>October 2015</b>	<b>October 2015</b>
Newly Licensed – 59	Newly Licensed – 18
Reinstate Applications – 4	Reinstate Applications – 4
Retired- 19	Retired – 6
New Applications- 46	New Applications- 21

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>November 2015</b>	<b>November 2015</b>
Newly Licensed – 42	Newly Licensed – 11
Reinstate Applications – 6	Reinstate Applications – 2
Retired- 11	Retired – 6
New Applications- 42	New Applications- 18

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>December 2015</b>	<b>December 2015</b>
Newly Licensed – 34	Newly Licensed – 35
Reinstate Applications – 2	Reinstate Applications- 5
Retired- 19	Retired- 8
New Applications- 19	New Applications- 25

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>January 2016</b>	<b>January 2016</b>
Newly Licensed – 38	Newly Licensed – 15
Reinstate Applications – 19	Reinstate Applications- 5
Retired- 13	Retired- 8
New Applications- 27	New Applications- 3

**Continuing Education Report**

Ms. Hodge stated from January 2015 to June 2015 the compliance unit audited a total of 394 massage therapists. Of the massage therapists audited, 332 were compliant (84%) and 62 were non-compliant (16%). Thirty-seven (37) licensees were deficient in required continuing

education hours. Twenty-five (25) failed to contact the compliance unit or submit documentation.

### **Legislation**

#### **Senate Bill 1526**

Mr. Guilford briefly discussed Senate Bill 1526 with the Board. Senate Bill 1526 extends the Massage Board for six (6) years. Ms. Cross made a motion, seconded by Ms. Burke, to support Senate Bill 1526. The motion carried.

#### **Office of General Counsel Report**

Mr. Marc Guilford stated there is currently an estimated 191 open cases in OGC that pertain mostly to continuing education. He informed the Board that the rulemaking packet is in internal review within the Office of General Counsel.

#### **Ratify Agreed Citations for Lapsed Licenses**

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

Marie E. Wescott, LMT - 7667

Ms. Wescott agreed to pay a civil penalty in the amount of \$1,600.00 for practicing massage therapy on a lapsed license for nineteen (19) months. The motion carried.

Sally Jane Wright, LMT - 562

Ms. Wright agreed to pay a civil penalty in the amount of \$300.00 for practicing massage therapy on a lapsed license for six (6) months. The motion carried.

Benjamin Charles Crabtree, LMT - 10540

Mr. Crabtree agreed to pay a civil penalty in the amount of \$100.00 for practicing massage therapy on a lapsed license for four (4) months. The motion carried.

Scott F. Jutte, DC, Owner, Life Source of Centerville - 2915

Dr. Jutte agreed to pay a civil penalty in the amount of \$100.00 for operating a massage establishment on a lapsed license for four (4) months. The motion carried.

#### **Ratify Agreed Citations for Continuing Education Violations**

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

Willard Scott Anderson, LMT

Mr. Anderson 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.

Lisa Renee Birnesser, LMT

Ms. Birnesser agreed to pay civil penalties in the amount of \$225.00 for failing to obtain three (3) hours of continuing education during the 2013/2014 continuing education cycle.

Lucia K. Chastain, LMT

Ms. Chastain 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.

Diane Renate Dixon, LMT

Ms. Dixon agreed to pay civil penalties in the amount of \$450.00 for failing to obtain twelve (12) hours of continuing education during the 2013/2014 continuing education cycle.

Jenyfer Danyal Driggers, LMT

Ms. Driggers 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.

Tiffany Rose Ford, LMT

Ms. Ford agreed to pay civil penalties in the amount of \$425.00 for failing to obtain eleven (11) hours of continuing education during the 2013/2014 continuing education cycle.

Kristian Leigh Gothard, LMT

Ms. Gothard 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.

Tammy Lynn Keffas, LMT

Ms. Keffas agreed to pay civil penalties in the amount of \$625.00 for failing to obtain nineteen (19) hours of continuing education during the 2011/2012 continuing education cycle.

Tammy Jean Overman, LMT

Ms. Overman 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.

Charles Vance Phillips IV, LMT

Mr. Phillips IV 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.

Sonia Dionne Smith, LMT

Ms. Smith 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.

Wayne Haden Stephens, LMT

Mr. Stephens 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.

Melody Dawn Rossing, LMT

Ms. Rossing 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.

Leticia Mary Vance, LMT

Ms. Vance 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.

Valerie Whiting, LMT

Ms. Whiting 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 January 21, 2016 Application Review Committee. The motion carried.

**Massage Therapist**

Taylor Kylie Rae	Clements Tristan Bryce
Mitts Justin Daniel	Spataro Jeannie M.
Packer Amy Laree	Lawson-Laverty Dianna Lynn
Crain Magda Leah	Fairfield Emily Lakin
Chatman Rodney	Canant Ashley Nicole
Anderson Marie C	Kuiper Vennessa Lynn
Lawrence Kaitlin Nicole	Shankula Matthew Thomas
Cox Sarah Lynn	Holmes Sarah Jane



Hibdon Amy Renee	Browning Kristi Lynn
Anderson Stacey Coleman	Wang Li
Bell Joshua A.	Guo Wei Li
Rowell Melissa Ann	Williams Emilia Diann
Martin Nicholas Caleb	Welk Jolene Marie
Houk Christi Lee	Thomas Joyce Ellen
O'Bryant Sarah Jane	Sutton Jennifer Ann
Headlee Ellie N	Slachciak Katie Rose
Dunbar Christy Diane	Pender Mary Kathryn
Fisher Julie Rebecca	Crouch Alicia Joyce
Ezell Jennifer Lee	Clifford Rebekah Joan
Morris Kendra Lynn	Caston Charlene Jewel
Pendley Amy Rebecca	Ewell Brock Larue
Guerrero Rocio Magdalena	Schneider Patrick Reed
Marks Kathryn Ladelle	Johns Jordan Rae
Langleib Yovanka Marie	Conner Sara Lynne
Baggett Lacy Summer	Childress Donna Lynn
Hill Shannon Lee	Herring Dru Katherine Ciesinski
Smith Jeremy Shoh Boone	Martin Kirsten Rae
Rose Lauren A.	Sandlin Crystal Colleen
Kurtz Stephenie Ann	Miller Susan Amanda True
Mcmurray Mary Beth	Caudle Rebekah Lauren
Van Riper Sheila Ann	Winter Stacey Marie
Parham Cassandra Renee	Sutton Cassie Rachelle
Horne Anna Caroline	Huang Xiuzhen
Helton Lydia Anne	Fecht Stacey Deanne
Thai Jonathan James	Arp Tina L.
Wilson Tendal Shannon	Sumrall Bethany Noelle
Sias Matthew Robert	Howell Tracey Ladon
Sanders Devin Renee	Ren Maoxiang
Bray Cori Beth	Sun Jinshuang
Williams Heather Elizabeth	Wilson Stephanie Marie
Choe-Mcneely Lisa R.	Weems Christina Louise
Seaborn Corey Michael	Beaudin Geoffrey E.
Huss Melissa Fay	Fogle Ashley Nichole
Cutshaw Hannah Marie	Compton Wendy Ann
Zheng Ying	Turbeville Precious E
Young Jessica Nicole	Li Dongmei
Vanetten Christie Ann	Chen Yanying
Miller Lee Anne	Wang Xiaohong
Li Hui	Zhang Yujie

Essner Linda E.	Hashop Macy Noel
	Johnson Rainye Lynette

**Massage Therapists Reinstated**

Howard Genesis Bailey	Wright Sally J.
Crabtree Benjamin Charles	Allen Jie
Hall James Daryll	Combs Amanda Jean
Beene Frances Jean	Ferguson Katrina Lynn
Wescott Marie E.	Mcdonald Kayley Nicole
Brees Sarah G.	Foust Austin Thomas
Combs Amber Michelle	Roberts Anthony Joseph
Harris Brittany Lauren	Shaw Damita Eyre
Stenberg Manda E	Macdonald Jacqueline H.
Case Daniel L	Arace Holly W.

**Massage Establishments**

Massage By Stacey
Laura Budd Hodge Lmt
Hands Of Healing
Zone Conditioning DbA Zone Sports Therapy
Z. Cisco Salon & Spa
West Knoxville Chiropractic
The Kula Inc
One Heart Massage Therapy
Mpower Massage Therapy Llc
Jane Paul
A Affordable Rehab & Massage
Strickland & Shue Llc DbA Massage Envy
Horizon Llc DbA Healthworks Chiropractic Of Murfreesboro
Therapeutic Tranquility
Sunny Massage
Wink
Relax Therapeutic Massage
La Luna Flama
Karuna Bodywork
Eden Spa Inc
Healing Touch Massage Therapy
Shine Nails
The Great Massage

Just Relax Inc
Oriental Wellness Massage
Main Massage
Shabby 2 Chic Llc
Tree Of Life
Relache Spa At Gaylord Opryland Resort
Balance Point
Anne Lee Lmt
The Nail Place
Smoky Mountain Massage & Natural Healing Center
Salon Ldj
Our House Studios Inc.
Know Bull Beauty
Randy Mack Advanced Rolfing
Kramer Physical Therapy
Wanderlust Salon And Spa
Tranquility Massage
Teneo Fitness Llc
Creative Touch Massage
Balanced Body
Dickson Chiropractic
Clear Spring Yoga Of Chattanooga Inc
Urban Sanctuary
Vanderbilt University Recreation & Wellness Center
Rodney Mitchell Style Bar & Spa
Salon Prive Suites
Lucky 7 Healing Center
Hong Massage
Divine Design Chiropractic Neurology Inc. Dba Divine Design Chiropractic Or Divine Design Natural Health

**Massage Establishments Re-Activated**

Dreamweaver Healing Arts	Renew Massage Therapy
Premier Wellness Studio	Despa And Salon Inc.
Life Source Of Centerville	The Front Porch
Hixson Spine Center Of Chattanooga Inc.	Mccarter Massage And Bodywork
Forever Young Skin Care	Karen Panter Lmt

**Approved Continuing Education Courses**

Ms. Wray made a motion, seconded by Ms. Cross, to approve the following continuing education courses. The motion carried.

1. “Tennessee Law for Massage Therapists”–2 hrs. – D. Scott Baily, LMT – TN110915-34
2. “Hot Stone Massage”–16 hrs. – Amanda Greene, LMT – TN112315-35
3. “Tennessee State Law for Massage Therapist”–2 hrs. – Savanna Bell, LMT – TN011416-36

### **Consent Orders**

#### **Chasity Horner, L.M.T. – 2268**

Devin Wells, Deputy General Counsel, presented and discussed the Consent Order for Chasity Horner. Ms. Horner 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 that Ms. Horner had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Horner’s conduct constitutes grounds for discipline. A motion was made by Mr. Velker, seconded by Ms. Cross, to approve the consent order as written. The motion carried.

Ms. Horner’s 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) for each continuing education hour violation for a total assessment approved by the Board order of one thousand two hundred dollars (\$1200.00) instead of one thousand five hundred fifty dollars (\$1550.00). 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.

#### **Xinh Thi Nguyen, L.M.T. – 3181**

Devin Wells, Deputy General Counsel, presented and discussed the Consent Order for Xinh Thi Nguyen. Ms. Nguyen failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle, but per Mr. Wells had submitted some makeup hours. Upon discussion and review, the Board found that Ms. Nguyen had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Nguyen’s conduct constitutes grounds for discipline. A motion was made by Ms. Wray, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Nguyen’s license was placed on probation. She was assessed one (1) Type B Civil Penalty in the amount of three hundred dollars (\$300.00), and fourteen (14) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment approved by the Board of seven hundred dollars (\$700.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars \$3,000.00, and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

#### **Tracy S. Craig, L.M.T. – 462**

Keith D. Hodges, Assistant General Counsel, presented and discussed the Consent Order for Tracy S. Craig. Ms. Craig 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 that Ms. Craig had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Craig's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Mr. Velker, to approve the consent order as written. The motion carried.

Ms. Craig's license was placed on probation. She was assessed twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Two Hundred and Fifty Dollars (\$1250.00). 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.

**Melissa Anne Deering, L.M.T. – 9336**

Keith D. Hodges, Assistant General Counsel, presented and discussed the Consent Order for Melissa Anne Deering. Ms. Deering failed to obtain thirteen (13) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Deering had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Deering'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. Deering's license was placed on probation. She was assessed one (1) Type B Civil Penalty in the amount of three hundred dollars (\$300.00), and thirteen (13) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of Nine Hundred Fifty Dollars (\$950.00). 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.

**Richard Louis Verastegui, L.M.T. – 6848**

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the consent order for Richard Louis Verastegui. Mr. Verastegui failed to obtain twenty-five (25) approved hours of continuing education in the 2009-2010 continuing education cycle. Upon discussion and review, the Board found that Mr. Verastegui had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Verastegui'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.

Mr. Verastegui's license was placed on probation, and he 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) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Fifty Dollars (\$1,550.00). He 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 2009-2010 continuing education cycle.

**Terrance Antonio Carter, L.M.T. – 8285**

Marc Guilford, Board Attorney, presented and discussed the consent order for Terrance Antonio Carter. Mr. Carter was licensed by the Board as a Massage Therapist on February 26, 2010. Mr. Carter was employed as a massage therapist at Mona Lisa's Massage and Wellness in Hermitage, TN from January 2011 through March 27, 2012, and performed approximately nine massages per week while employed at Mona Lisa's. Mona Lisa's has never been licensed as a massage establishment. The Stipulations of Fact above establish that Mr. Carter has violated T.C.A 63-18-104(a) and T.C.A 63-18-108(10).

After a discussion and review, the Board found that Mr. Carter had violated the Tennessee Massage Licensure Board statutes and regulations. Mr. Carter's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to accept the consent order as written. The motion carried. Mr. Carter agrees to the reprimand of his massage therapist license and to cease and desist from practicing in an unlicensed establishment. He was assessed fifteen (15) Type C Civil Penalties in the amount of Fifty Dollars (\$50.00) each, representing one civil penalty for each month of practice in an unlicensed establishment, for a total of Seven Hundred and Fifty Dollars (\$750.00).

**Bennie J. Hinton, L.M.T. – 8153**

Marc Guilford, Board Attorney, presented and discussed the consent order for Bennie J. Hinton. Mr. Hinton was licensed by the Board as a Massage Therapist on April 7, 2010. Mr. Hinton was employed as a massage therapist at Kirby Whitten in Bartlett, TN from October 2011 through July 2012 when Kirby Whitten didn't have a massage establishment license. In or about August 2012, Kirby Whitten was licensed as a massage establishment. The Stipulations of Fact above establish that Mr. Hinton has violated T.C.A 63-18-108(10).

After a discussion and review, the Board found that Mr. Hinton had violated the Tennessee Massage Licensure Board statutes and regulations. Mr. Hinton's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to accept the consent order as written. The motion carried. Mr. Hinton agrees to the reprimand of his massage therapist license. He was assessed ten (10) Type C Civil Penalties in the amount of Fifty Dollars (\$50.00) each, representing one civil penalty for each month of practice in an unlicensed establishment, for a total of Five Hundred Dollars (\$500.00). He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars \$3,000.00.

**Tammy Lynn Keffas, L.M.T. – 8584**

Marc Guilford, Board Attorney, presented and discussed the consent order for Tammy Lynn Keffas. Ms. Keffas was licensed by the Board as a Massage Therapist on December 13, 2010. Ms. Keffas owned and operated Bodyworks Massage Therapy located at 710 Memorial Blvd in Murfreesboro, TN without holding a massage establishment license from about October 2013 through at least March 2015. When Ms. Keffas applied for the establishment license for

Bodyworks Massage Therapy, she appeared before the Board at the February 9, 2015 to contest the agreed citation issued to her pursuant to the Board's "Unlicensed Establishment Enforcement" policy. At the meeting Ms. Keffas stated to the Board that Bodyworks in Murfreesboro was closed and not performing massage. In fact, Bodyworks Murfreesboro had not closed after applying for an establishment license in August 2014, and continued to operate up and until the establishment was granted a license on or about March 11, 2015. The Stipulations of Fact above establish that Ms. Keffas has violated T.C.A 63-18-104(a) and T.C.A 63-18-108(7)(9)(12).

After a discussion and review, the Board found that Ms. Keffas had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Keffas' conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Wray, to accept the consent order as written. The motion carried. Ms. Keffas' massage therapist license is placed on probation for a period of at least three (3) years. She was assessed seven (7) Type B Civil Penalties in the amount of Two Hundred Dollars (\$200.00) each, representing one civil penalty for each month of practice in an unlicensed establishment, for a total of One Thousand Four Hundred Dollars (\$1400.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars \$3,000.00, and she is required to complete an additional eight (8) hours of continuing education pertaining to Tennessee massage laws, rules, and policies.

#### **Agreed Order**

#### **Mi Kyong Ramey, L.M.T – 2780 / C & K Spa – 2908**

Devin Wells, Deputy General Counsel, presented and discussed the agreed order for Mi Kyong Ramey, owner and operator of C & K Spa. On or about August 8, 2013 through September 4, 2013, an undercover Special Agent with the Tennessee Bureau of Investigations received a massage from Chong Kyo Pak, an unlicensed individual, in return for \$160.00. During the massage, Chong Kyo Pak agreed to perform sex acts on the undercover agent in return for money. Pak intentionally touched the agent's/client's genitals with the intent of causing arousal, retrieved a condom, and exposed her genitals to the agent/client. As a result, Chong Kyo Pak was arrested for Prostitution and pled guilty of the charge under pretrial diversion. As the owner and responsible person of C & K Spa establishment, Ms. Ramey violated of T.C.A 63-18-108(6)(7)(12), TENN COMP. R. & REGS 0870-01-.02(2)(b)(5), 0870-.01-.02(4), and 0870-01-.19(1).

After a discussion and review, the Board found that Ms. Ramey had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Ramey's conduct constitutes grounds for discipline. Mr. Velker made a motion, seconded by Ms. Cross, to accept the agreed order as written. The motion carried. Ms. Ramey voluntarily surrendered her massage license and her establishment license for C & K Spa. She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00.

#### **Yanhua Zhang, L.M.T. – 9065**

Keith D. Hodges, Assistant General Counsel, presented and discussed the Agreed Order for Yanhua Zhang. Ms. Zhang failed to obtain four (4) approved hours of continuing education in

the 2011-2012 continuing education cycle, but had obtained enough hours in her 2013/2014 cycle to comply with both the 2011/2012 and 2013/2014 cycle. She had also obtained the six (6) additional penalty hours assessed by this Agreed Order. Upon discussion and review, the Board found that Ms. Zhang had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours in a timely manner. Ms. Zhang's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the agreed order as written. The motion carried.

Ms. Zhang's license was placed on probation. 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 six (6) additional hours of Board approved continuing education.

**Yanjun Zhu, L.M.T. – 10183**

Keith D. Hodges, Assistant General Counsel, presented and discussed the Agreed Order for Yanjun Zhu. Ms. Zhu was licensed by the Board as a Massage Therapist on September 24, 2013. Ms. Zhu owned and operated Hickory Day Spa, located at 5722 Hickory Plaza, Suite A1, Nashville, Tennessee 37211. Hickory Day Spa is an unlicensed massage establishment, and Ms. Zhu employed unlicensed individuals to practice massage at Hickory Day Spa. The Stipulations of Fact above establish that Ms. Zhu has violated T.C.A 63-18-108(7)(12), TENN COMP. R. & REGS 0870-01-.02(2)(b)(1), and 0870-.01-.02(1).

After a discussion and review, the Board found that Ms. Zhu had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Zhu's 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. Zhu voluntarily surrendered her massage license.

**Peng He, L.M.T. – 7656 / Golden Massage Inc – 3446 / Magic Massage Inc. – 3449 / China Foot & Chair Massage d/b/a Foot Bar - 3961**

Marc Guilford, Board Attorney, presented and discussed the agreed order for Peng He. Mr. He was licensed by the Board as a Massage Therapist on July 27, 2009. Mr. He owned and operated Golden Massage located at 2109-4 Abbott Martin Road, Nashville, TN 37215; Magic Massage Inc. located at 101 Holiday Court, Franklin, TN 37067, and China Foot & Chair Massage d/b/a Foot Bar located at 93 Seaboard Lane, Suite 1003, Brentwood, Tennessee 37027. Mr. He employed at least one unlicensed individual to perform massage in 2012 at Golden Massage. He also employed at least five unlicensed individuals to practice massage therapy at Magic Massage in 2012. In November 2014, Mr. He was convicted of patronizing prostitution in Davidson County, TN. The Stipulations of Fact above establish that Mr. He has violated T.C.A 63-18-108(2)(7)(12), T.C.A 63-18-105(b)(2), TENN COMP. R. & REGS 0870-01-.02(2)(b)(1), and 0870-.01-.02(1).

After a discussion and review, the Board found that Mr. He had violated the Tennessee Massage Licensure Board statutes and regulations. Mr. He's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to accept the agreed order as written. The motion carried. Mr. He's massage therapist license is revoked, and the establishment licenses for Golden Massage, Magic Massage, and Foot Bar are revoked. He was required to pay all actual



and reasonable costs of prosecuting the case not to exceed above Five Thousand Dollars \$5,000.00.

**Robin Frazier, L.M.T. – 3985**

Marc Guilford, Board Attorney, presented and discussed the Agreed Order for Robin Frazier. Ms. Frazier failed to obtain twenty-three (23) approved hours of continuing education in the 2011-2012 continuing education cycle and two (2) hours of Tennessee Law in the 2013/2014 continuing education cycle. Upon discussion and review, the Board found that Ms. Frazier had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Frazier's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Easterly, to approve the agreed order as written. The motion carried.

Ms. Frazier's license was placed on probation and is required to submit evidence of having completed a total of fifty-two (52) additional continuing education hours to count toward her compliance with the 2011/2012 and 2013/2014 violation no later than December 31, 2016. She was assessed twenty-six (26) Type C Civil Penalties in the amount of seventy-five dollars (\$75.00) for every two (2) hours of continuing education she was deficient for a total assessment of One Thousand Nine Hundred Fifty Dollars (\$1950.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Five Hundred Dollars \$500.00.

**Agreed Citations**

**Li Liu, LMT - 8101**

Keith D. Hodges, Assistant General Counsel, presented and discussed the Agreed Citation for Li Liu. Ms. Liu agreed to pay civil penalties in the amount of \$325.00 for failing to obtain seven (7) hours of continuing education during the 2011/2012 continuing education cycle. A motion was made by Mr. Velker, seconded by Ms. Cross, to approve the agreed citation as written. The motion carried. Ms. Liu is required to make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

**Andrew Jiang, – Brightness School for the Blind Request for 500 hour Program Approval**

Mr. Andrew Jiang, LMT, owner of Brightness School for the Blind located in Memphis, TN, had submitted a letter and supporting documentation to the Board Administrative Office on or about September 5, 2015 requesting the Board to review and approve the reapplication for the school's 500 hour program. Mr. Jiang stated in his letter that he was unaware that Brightness's 500 hour program was ceased by Tennessee Higher Education when the 800 hour Integrative Massage Program was approved. Upon receipt of the program approval request in the Board's Administrative Office, all documentation was forwarded to the consultant for review. The consultant's review resulted in a request for additional information and supporting documentation from Brightness Massage School. On November 23, 2015, Mr. Guildford mailed a certified letter to Mr. Jiang outlining the additional requested documents pursuant to Rule 0870-02-.02(2)(a)(8). On or about December 21, 2015, the Board Administrative Office received a letter from Mr. Jiang, dated December 18, 2015, informing the Board that he was not able to provide the documents requested in the November 23, 2015 letter at that time, and that THEC

had ceased enrollment in the school's 500 hour TuiNa Massage Program. THEC had performed several audits on Brightness and had found several violations. Mr. Guilford responded back to Mr. Jiang with a certified letter on December 30, 2015. Mr. Guilford informed Mr. Jiang that only the Board could take action on his request to withdraw or postpone consideration for his request for approval of his 500 hour program. Pursuant to Rule 0870-02-.02(2)(b) all programs that submit a request for approval will be asked to appear before the Board as part of the initial approval process. In the letter, Mr. Guilford invited Mr. Jiang to the February 8, 2016 Board meeting and informed Mr. Jiang that his request for program approval and all correspondences mentioned above would be presented to the Board for review at the February 8, 2016 Board meeting.

At the February 8, 2016 meeting, Mr. Guilford discussed in detail with the Board the correspondences as well as the violations that THEC cited upon visiting and auditing Brightness Massage School for the Blind. After a discussion, Ms. Cross made motion to deny Mr. Jiang's request for the 500 hour program approval for Brightness School of Massage for the Blind based on T.C.A 0870-02-.02(a)(8) and 0870-02-.02(3)(1). Ms. Burke seconded the motion and 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 July 1, 2015 to December 31, 2015. Currently TnPAP is monitoring three (3) massage therapists. There have been eight (8) Board referrals and seven (7) clients whose file was closed for declining services. Ms. Eaton informed the Board that a two (2) hour educational video to inform students, the public, and licenses about the Massage Board's peer assistance program should be complete by the end of March 2016 and available for the schools. Ms. Elaine explained that TnPAP will keep records of all students that complete the video and will submit a report with the student's name and date of completion to the Board Administrative Office at the end of each year.

#### **Administrative / Board Action on Files Closed by TnPAP**

##### **Samuel Lee – Royal Therapy**

Mr. Mike Harkreader, Executive Director of TnPAP, briefly discussed with the Board Mr. Samuel Lee's establishment file for Royal Therapy located in Newport, TN that had been closed by TnPAP for failure to communicate with TnPAP and failure to adhere to the evaluator's recommendations. Mr. Lee was referred to TnPAP by the Board Administrative Office pursuant to the Board's Criminal Conviction policy for multiple alcohol related arrests. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray, to deny Mr. Lee's establishment application for Royal Therapy based on T.C.A 63-18-108(2)(5)(7) and violation of the Board's Criminal Conviction Policy. The motion carried.

##### **Stephen Jones**

Mr. Mike Harkreader, Executive Director of TnPAP, briefly discussed with the Board Mr. Stephen Jones's massage licensure file that was closed by TnPAP for failure to adhere to the evaluator's recommendations to enter and complete an out-patient substance use disorder treatment program and execute a TnPAP monitoring agreement. Mr. Jones was referred to TnPAP by the Board Administrative Office pursuant to the Board's Criminal Conviction policy for multiple drug and alcohol related arrest. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray to deny Mr. Jones's massage therapist application based on T.C.A 63-18-108(2)(4) and violation of the Board's Criminal Conviction Policy. The motion carried.

### **Adopt a Policy for Files Closed by TnPAP or Withdrawn in Lieu of going to TnPAP**

After a discussion, Ms. Cross made a motion, seconded by Ms. Burke, requesting that a policy be created stating that if an applicant withdraws his/her massage therapy or establishment application in lieu of going to TnPAP, or, if TnPAP closes an applicant's file, then the Board's Administrative staff should compile a list to be ratified by the Board to deny the applicant's licensure file at the following Board meeting. The motion carried. Ms. Burke made a motion, seconded by Ms. Cross, to authorize Dr. Bolden to review the policy and sign it into effect. The motion carried.

### **Discuss and Approve the Updated Lapsed License Policy**

Mr. Marc Guilford presented an updated lapsed license policy for the Board to review. The updated policy requires that applications that reflect that an individual or establishment worked or operated in excess of twelve (12) months be reviewed by a consultant and Board Administrative Staff to determine if the file should be immediately re-instated without an agreed citation being signed. If the file is immediately re-instated, then a copy of the file will be sent to the Office of Investigations for a case to be open on the therapist or establishment for working on a lapsed license in excess of 12 months. Upon review and discussion, Ms. Cross made a motion, seconded by Ms. Wray, to accept the updated lapsed license policy. The motion carried.

### **Updated School Survey and Online Classes**

A survey regarding core curriculum being offered online was mailed by the Board's Administrative office to all approved Tennessee Massage Schools. The Board received a response from seventeen (17) out of a total of twenty-six (26) Tennessee Massage Schools. Seventy-five percent (75%) of respondents felt that a portion of the required massage curriculum could be taught in a legitimate online format. Respondents felt that classes that pertained to ethics, law, anatomy/physiology, pathology, business, charting/documentation, marketing, student success, and pharmacology could be taught in an online format. At the November 2015 meeting, the Board decided to allow the Tennessee Law and Ethics Task Force to collect data and recommendations regarding online core curriculum being offered and accepted in other states.

### **Tennessee Massage School Annual Reports**

Dr. Bolden compiled all data received from the School Annual Reports and provided a detailed spreadsheet to the Board for review. Dr. Bolden reported that only one (1) school, Roane State, failed to submit the required report. He also informed the Board that from July 1, 2014 through June 30, 2015 there were seven hundred fifty-five (755) students enrolled in Tennessee Massage Schools. Three hundred ninety three (393) students graduated, and one hundred six (106) students withdrew or were dismissed. Three hundred twenty-three (323) students sat for the national licensure exam and 87.892 % of the students passed the MBLEx exam on the first attempt. The employment placement rate for all Tennessee Massage Schools was 84.904%.

Mr. Guilford suggested that schools that fail to submit the required annual report to the Board be reported to the Office of Investigations and the Office of General Counsel for possible formal action. Mr. Guilford suggested that formal action could include civil penalties and a period of probation. After a discussion, Mr. Velker made a motion, seconded by Ms. Cross, to impose a civil penalty of \$1,000.00 beginning the first business day of the calendar year to all Tennessee Massage Schools that failed to submit the required Annual Report Form by December 31. A civil penalty of \$1,000.00 would continue to be assessed each month to the school up until the annual report was received in the Massage Board Administrative Office. The school program approval would be placed on probation until the annual report was received the following year, and the probation would be reported to THEC and noted on the Massage Board webpage. The motion carried.

The Board also discussed T.C.A 63-18-115(5), which requires annually published passage rates for each school of massage therapy, based upon the results of each student's success in taking a national examination approved by the Board. Schools that fail to achieve an overall passing rate of seventy percent (70%) shall be required to submit a remedial plan to be approved by the Board. After a discussion, Ms. Cross made a motion, seconded by Ms. Jagers, requesting the Office of General Counsel to send a letter to all Tennessee Massage Schools that were below the seventy percent (70%) pass rate for the 2015 annual report, and requiring the schools to submit a remedial plan to the Board for review. The motion carried.

### **Criminal Conviction Policy**

The Board discussed the current criminal conviction policy in regards to applicants with one misdemeanor for a suspended license or worthless check within the the past five (5) years being sent to the Board's contracted peer assistance program. After a discussion, Mr. Velker made a motion, seconded by Ms. Cross, to allow the Administrative Office, in consultation with the Office of General Counsel, to make exceptions to the Criminal Conviction Policy as appropriate. The Board requested that Mr. Guilford update the Criminal Conviction Policy to reflect the Board's motion. The motion carried.

The meeting adjourned.

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**February 9, 2016**

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

Location: 665 Main Stream Drive  
HRB Conference Center  
1<sup>st</sup> 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 9:21 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 body work 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, Kimberly Hodge conducted a roll call to establish a quorum. A quorum was present.

**Contested Case Hearings**

**Jie Prater, LMT – Owner Chinatown Massage Therapy and Foot Care Center**

Mr. Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Anthony Adgent. Ms. Prater was present and was represented by her attorney, Mr. Guy Dotson. Due to previous involvement in the case, Ms. Cross was recused from deliberations and the final decision involving the case.

At the November 2, 2015 Massage Board Meeting, the Board reviewed the establishment application for Jie Prater, a licensed massage therapist, who applied to reactivate her establishment license for Chinatown Massage Therapy in Murfreesboro, TN. At the November meeting, Ms. Prater admitted that although Chinatown's license expired on October 31, 2014, the establishment was open and operated until April 2015. The Board reviewed documentation from Chinatown's web site that showed that massage appointments could currently be made at the establishment. At the November 2015 meeting a Board Member was able to make an appointment on the website. After a discussion, Ms. Cross made a motion, seconded by Ms. Jaggars, to deny Ms. Prater's reactivation of establishment application for Chinatown Massage Therapy based upon T.C.A 63-18-108 (1)(7) and T.C.A 63-18-104 (a)(b). The motion was approved.

At the February 9, 2016 meeting, Mr. Dotson called Aaron Gillespie as a witness. Mr. Gillespie owns a web business by the name of "From Store to Web" and created website for businesses. Mr. Gillespie testified that he offered his services to Ms. Prater in exchange for free massages. He stated that he created and designed a website for Chinatown Massage Therapy in Murfreesboro, TN that offered online booking. Mr. Gillespie testified that he was responsible for not only creating the establishment webpage, but also for all updates and changes to the website. Mr. Gillespie also updated the ads that Ms. Prater had previously published on Craigslist and Backpage by adding the links to the new website that he had created for Chinatown Massage. He stated that in about the spring of 2015, Ms. Prater requested for him to take down her website and to remove all links associated with her website. Mr. Gillespie testified that upon her request, he unpublished the website, but he hadn't unpublished the Facebook and Twitter account, or the online booking site associated with Chinatown Massage establishment. After the November 2015 Massage Board meeting, Ms. Prater contacted Mr. Gillespie regarding the online booking website that was still actively associated with Chinatown and requested that it be taken down. Mr. Gillespie stated that after the November 2015 conversation with Ms. Prater, he unpublished and removed all sites and links associated with Chinatown Massage establishment on the web.

Mr. Dotson called Randell Matlock, CPA for Chinatown Massage, to testify on behalf of Ms. Prater. Mr. Matlock testified that he owned Matlock Clements PCA in Murfreesboro, TN up and until July 2015 when he retired from practice. He stated that Matlock Clements PCA helped Ms. Prater set up her business as a single member LLC in Tennessee, and collected her records and bookkeeping in order to properly file her taxes and compliance reports. Mr. Matlock also testified that he and his wife were personal clients of Ms. Prater, and had received massages on multiple occasions.

Mr. Dotson called Steven Prater, Ms. Prater's husband, as a witness. Mr. Prater testified that his wife closed Chinatown Massage establishment immediately upon realizing that the massage establishment license had expired. He also stated that upon learning about the advertisement for Chinatown on the web at the November 2015 Board meeting, he made every effort to take down the advertisements associated with Chinatown Massage establishment and to report that the business was closed.

Mr. Dotson called Ms. Prater to testify. Ms. Prater testified that she had owned and operated Chinatown Massage establishment since October 2012. Ms. Prater's establishment license expired on October 31, 2014, but was not renewed due to oversight. Ms. Prater stated that she

was caring for her mother that was battling breast cancer. Ms. Prater testified that upon realizing that her establishment license had expired, she submitted a reactivation form to the Board for Chinatown Massage in April 2015 and closed her establishment. Her original reactivation form was not received in the Board Administrative Office, so Ms. Prater testified that she came to the Massage Board Office to complete a reactivation form and pay her reactivation fee of \$245.00.

Upon cross examination by Mr. Guilford, Ms. Prater stated that she realized her license was expired when she received a letter in March 2015 from the Department of Health requiring that she cease business at Chinatown Massage until her establishment license was reactivated. Mr. Guilford asked Ms. Prater if all the women that worked at Chinatown Massage were licensed as massage therapists in Tennessee and to write down the names of the ladies that worked at Chinatown Massage establishment. Upon further discussion, Ms. Prater admitted that she had employed unlicensed therapist, but testified that she fired the therapist for not having a valid Tennessee Massage License. Based upon Ms. Prater's admission that she employed multiple unlicensed therapists, Mr. Guilford requested that the Board deny Ms. Prater's reinstatement application.

After a discussion and review, the Board found that Ms. Prater had violated the Tennessee Massage Licensure Board statutes and regulations. Mr. Velker made a motion, seconded by Ms. Easterly, to deny Ms. Prater's establishment license for Chinatown Massage based on T.C.A 63-18-108(1)(6)(7) and to assess a Five Thousand Dollar (\$5,000.00) civil penalty. The motion carried.

### **Jeff Griswold – Owner Blue Moon Massage**

Mr. Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Anthony Adgent. Mr. Griswold was present and was not represented by an attorney. Due to previous knowledge of the case, Mr. Velker was recused from deliberations and the final decision involving the case.

At the August 11, 2015 meeting, the Board reviewed the establishment application for Jeff Griswold who applied to reactivate his establishment license for Blue Moon Asian Massage in Murfreesboro, TN. Mr. Griswold's establishment license for Blue Moon was initially granted on about March 12, 2014 and was inactivated on November 3, 2014. Upon inactivating his establishment license for Blue Moon, Mr. Joe Staaaz and Ms. Haiyan Bernhardt submitted an application to own and operate Blue Moon. Due to lack of required information, Ms. Bernhardt and Mr. Staaaz's file was closed. The establishment continued to operate without a license. Ms. Bernhardt submitted a new establishment application on March 6, 2015. Upon the file's completion, Ms. Bernhardt was requested to appear before the Application Review Committee (ARC) for owning and operating an unlicensed establishment. The ARC recommended denial of the establishment application at the July 17, 2015 meeting, and the Board approved the denial of Ms. Bernhardt's establishment application at the August 11, 2015 board meeting. The Board's decision at the August 11, 2015 meeting was based on evidence that the location for which Ms. Bernhardt had applied for licensure had been open and operating without a license, which was a violation of T.C.A 63-18-108 (1)(7) and T.C.A 63-18-104 (a)(b).

Based on the Board's decision at the August 11, 2015 meeting, Mr. Griswold was informed by a letter that he was invited to appear at the November 2, 2015 Board meeting for an interview before

the Board regarding his massage establishment reactivation application. Mr. Griswold was present for the meeting. Mr. Griswold stated that he had never owned Blue Moon, and that the establishment had always been owned and operated by Ms. Haiyan Bernhardt. Mr. Griswold also stated that during the time that he held the establishment license that he made sure that everyone that worked in the establishment was licensed and adhered to the rules. After a detailed discussion, Mr. Griswold's re-instatement application for Blue Moon was denied based on T.C.A 63-18-108 (1)(7) and T.C.A 63-18-104 (a)(b). The motion was approved with Mr. Velker opposed and Ms. Wray abstaining.

At the Contested Case Hearing, the Finding of Facts showed that Blue Moon had continued to operate over multiple timeframes without a valid Tennessee Massage establishment license. Evidence of operating an unlicensed establishment was first addressed when the State sent Blue Moon a letter on about February 6, 2014 directing it stop allowing massages to be performed on its premises because it was not licensed. Blue Moon, located at 230-C Stones River Mall Blvd, Murfreesboro, TN had been open and operated by Ms. Haiyan Bernhardt since late 2012. Shortly thereafter receiving the letter from the State, Mr. Griswold submitted an establishment application for Blue Moon and the establishment was licensed on March 12, 2014. The establishment was licensed from March 12, 2014 until November 3, 2014 when Mr. Griswold retired his license. On November 19, 2014 Mr. Griswold and Ms. Bernhardt were informed by the Board administrative staff that it was unlawful to offer massages at Blue Moon since it was not currently licensed. On November 22, 2014 Board staff called Blue Moon and was able to schedule an appointment for a massage. On about February 6, 2015, Board staff spoke with Mr. Griswold and again informed him that Blue Moon should stop operating until it had a valid establishment license. On or September 24, 2015, a Department of Health staff member called a phone number associated with Blue Moon and was able to schedule an appointment for a massage on September 25, 2015.

Although Mr. Griswold is applying to re-instate his massage establishment license for Blue Moon, he testified that Ms. Bernhardt is the owner of Blue Moon and that he has minimal involvement in running the establishment. The Board felt that Mr. Griswold would not ensure compliance of the Board's rules and laws, and therefore, was unsuitable to own a massage establishment in Tennessee. Ms. Cross made a motion, seconded by Ms. Wray to deny Mr. Griswold's reactivation application. The motion carried.

The meeting was adjourned.

**These minutes were approved at the May 2 – 3, 2016 board meeting.**