

**MINUTES  
TENNESSEE MASSAGE LICENSURE BOARD  
JUNE 6, 2017**

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  
Marvis Burke, LMT, Secretary  
Julie J. Wray, LMT  
Christi Cross, Citizen Member  
Bethann Easterly, LMT  
Michael Velker, Citizen Member  
Cynthia Jagers, LMT

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

The meeting was called to order at 9:16 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.

**Consent Orders**

**Nicholas Bergstrom, L.M.T - 10313**

Marc Guilford, Board Attorney, presented and discussed the consent order for Nicholas Bergstrom. Mr. Bergstrom was licensed by the Board as a Massage Therapist on February 11, 2014, and he retired his license on February 15, 2017. From late 2015 to early 2017, while practicing as a massage therapist at a licensed massage establishment in Goodlettsville, Tennessee, Mr. Bergstrom had a sexual relationship with a client. The sexual relationship occurred at the client's home and at the establishment at the end of the massage sessions. When the owner of the establishment learned of the sexual encounter on February 2, 2017, Mr. Bergstrom was terminated. Mr. Bergstrom also pled guilty to reckless driving in Davidson Co. on August 16, 2016, and didn't promptly report his conviction to the Board. The Stipulations of Fact above establish that Mr. Bergstrom violated T.C.A 63-18-108(2)(6)(7)(12), and TENN. COMP. R. & REGS 0870-01-19(1)(c)(k)(q), and 0870-01-.18.

After a discussion and review, the Board found that Mr. Bergstrom had violated the Tennessee Massage Licensure Board statutes and regulations. His conduct constitutes grounds for discipline. Mr. Velker made a motion, seconded by Ms. Cross, to approve the consent order. The motion carried. Mr. Bergstrom's massage license was revoked, and he is required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars \$3,000.00.

### **Best Reflexology & Massage – Leonard Ford & Jie Kirkendall – 4588**

Marc Guilford, Board Attorney, presented and discussed the consent order for Best Reflexology. Mr. Leonard Ford and Ms. Jie Kirkendall owned Best Reflexology & Massage located at 7120 Maynardville Pike, Suite C, Knoxville, TN 37918. During at least February 2017, Jie Kirkendall, an unlicensed massage therapist, practiced massage therapy at Best Reflexology. Best Reflexology retired its establishment license, and Ford and Kirkendall submitted signed statements to the Board indicating that they don't intend to operate a massage establishment in the future. The Stipulations of Fact above establish that Mr. Ford & Ms. Kirkendall violated T.C.A 63-18-108(7)(12), and TENN. COMP. R. & REGS 0870-01-02(2)(b)(1).

After a discussion and review, the Board found that Mr. Ford and Ms. Kirkendall had violated the Tennessee Massage Licensure Board statutes and regulations. Their conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to approve the consent order as written. The motion carried. Mr. Ford and Ms. Kirkendall voluntarily surrendered their massage establishment license which has the same effect as revocation. They also are prohibited from owning, operating, or being the responsible person for any massage establishment in Tennessee.

### **Jingyu Wu, L.M.T – 9337**

Marc Guilford, Board Attorney, presented and discussed the consent order for Jingyu Wu. Mr. Wu was licensed by the Board as a Massage Therapist on March 22, 2012. He worked part-time as a massage therapist at Bucca Foot Spa for about eight (8) months before the establishment was licensed. Bucca Foot Spa located at 4231 Harding Pike, Nashville, TN 37205 was issued a conditional license on October 27, 2016 and was required to pay four thousand seven hundred dollars (\$4,700.00) in civil penalties for operating without an establishment license. The Stipulations of Fact above establish that Mr. Wu violated T.C.A 63-18-108(10).

Upon discussion and review, the Board found that Mr. Wu had violated the Tennessee Massage Licensure Board statutes and regulations by working in an unlicensed establishment. Mr. Wu'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. Wu's massage license was reprimanded. He was assessed eight (8) Type C Civil Penalties in the amount of Twenty-Five Dollars each, representing one such penalty for each month Mr. Wu worked at Bucca while it was unlicensed, for a total assessment of Two Hundred Dollars (\$200.00). He was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars (\$1,000.00).

### **China Massage – Chun Ying Wang – 3122**

Marc Guilford, Board Attorney, presented and discussed the consent order for China Massage. Ms. Chun Ying Wang owned China Massage located at 3441 Ft. Campbell Blvd, Suite F-2, in Clarksville, TN 37042. Ms. Wang was previously licensed as a massage therapist in Tennessee, but her massage therapist license was revoked pursuant to an Agreed Order that was ratified by the Board on May 3, 2016. In the order, Ms. Wang admitted to employing at least two unlicensed individuals to practice massage therapy at another massage establishment she owned, Amazing Massage, which was located in Murfreesboro, TN. The May 3, 2016 Agreed Order also revoked the massage establishment license for Amazing Massage. As of June 20, 2016, Ms. Wang's massage therapist license was still on display at China Massage. The Stipulations of Fact above establish that Ms. Wang violated T.C.A 63-18-108(7)(12), and TENN. COMP. R. & REGS 0870-01-02(2)(b)(1).

After a discussion and review, the Board found that Ms. Wang had violated the Tennessee Massage Licensure Board statutes and regulations. Her conduct constitutes grounds for discipline. Ms. Burke made a motion, seconded by Ms. Cross, to approve the consent order as written. The motion carried. Ms. Wang voluntarily surrendered her massage establishment license which has the same effect as revocation.

#### **Ross the Boss and Co # 2 – Ross R. Badgett - 1818**

Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Ross the Boss and Co #2. Mr. Ross R. Badgett owns Ross the Boss and Co #2 located at 106 N. Peters Road, Knoxville, TN 37923. The establishment license for Ross the Boss and Co #2 expired on November 2013 and was not re-instated until January 2017. Massages for compensation were offered and performed at the establishment from November 2013 to January 2017, while the license was expired. The Stipulations of Fact above establish that Mr. Badgett violated T.C.A 63-18-104(a)(b), T.C.A 63-18-108(7), and TENN. COMP. R. & REGS 0870-01-02(1).

After a discussion and review, the Board found that Mr. Badgett had violated the Tennessee Massage Licensure Board statutes and regulations. His conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Mr. Velker, to approve the consent order as written. The motion carried. Mr. Badgett's massage establishment license was placed on probation until successful payment of all civil penalties and cost. He was assessed one (1) Type B Civil Penalty in the amount of Three Hundred Dollars (\$300.00) and thirty-seven (37) Type B Civil Penalties in the amount of One Hundred Dollars each, representing the civil penalties for each month the establishment operated on a lapsed license, for a total assessment of Four Thousand Dollars (\$4,000.00). He was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00).

#### **Latoria Q. Currie, L.M.T. – 5828**

Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Latoria Q. Currie. The Board ratified Ms. Currie's signed consent order in August 2015 for failure to complete her required continuing education in the 2011/2012 cycle. The 2015 Order required Ms. Currie to complete a total of nineteen (19) continuing education hours by August 2015 and pay civil penalties totaling Nine Hundred and Fifty Dollars (\$950.00) and costs of prosecuting the case totaling Three Hundred Fifty-Seven Dollars (\$357.00). Ms. Currie failed to pay the civil

penalties, the case cost, and obtain any of the nineteen hours of continuing education required by the consent order. The Stipulations of Fact above establish that Ms. Currie violated T.C.A 63-18-108(9) and TENN. COMP. R. & REGS 0870-01-19(1)(d).

Upon discussion and review, the Board found that Ms. Currie had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Currie'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. Currie's license was suspended until she met all the requirements in the 2015 consent order. She was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars (\$1,000.00).

### **Xuejiao Guo, L.M.T – 11224**

Peyton Smith, Assistant General Counsel, presented and discussed the Consent Order for Xuejiao Guo. Ms. Guo originally received a passing MBLEx score on February 10, 2012. On October 23, 2015 Ms. Guo was notified that the MBLEx score was invalid and there was a twelve (12) month waiting period before reapplying to take the exam. As of the effective date of the order, she had not received a passing score on the MBLEx. Ms. Guo violated T.C.A. 63-18-101; 63-18-105(b)(3); 63-18-108(7)(9), and Tenn. Comp. R. & Regs. 0870-01-.04(1)(f).

After a discussion and review, the Board found that Ms. Guo had violated the Tennessee Massage Licensure Board statutes and regulations. Her conduct constitutes grounds for discipline. A motion was made Ms. Cross, seconded by Ms. Burke, to accept the consent order as written. The motion carried. Ms. Guo's massage therapist license was revoked. She may reapply to be licensed as a massage therapist once she has proof of a passing score on an examination approved by the Board. Revocation is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency.

### **Believer's Touch – Debra K. Catron – 2336**

Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Believer's Touch. Ms. Debra K. Catron owns Believer's Touch located at 650 Nashville Pike, Suite 1, Gallatin, TN 37066. The establishment license for Believer's Touch expired in July 2015 and was not re-instated until January 2017. Massages for compensation were offered and performed at the establishment from July 2015 to January 2017, while the license was expired. The Stipulations of Fact above establish that Ms. Catron violated T.C.A 63-18-104(a)(b), T.C.A 63-18-108(7), and TENN. COMP. R. & REGS 0870-01-02(1).

After a discussion and review, the Board found that Ms. Catron 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 approve the consent order as written. The motion carried. Ms. Catron's massage establishment license was placed on probation until successful payment of all civil penalties and cost. She was assessed thirteen (13) Type B Civil Penalties in the amount of One Hundred Dollars each, representing the civil penalties for each month the establishment operated on a lapsed license beyond the first three months, for a total assessment of One Thousand Three Hundred Dollars (\$1,300.00). She was

also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00).

### **Center MedSpa – Terry Jump – 3224**

Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Center MedSpa. Mr. Terry Jump owns Center MedSpa located at 320 East Main Street, Chattanooga, TN 37408. The establishment license for Center MedSpa expired in October 2014 and was not re-instated until November 2016. Massages for compensation were offered and performed at the establishment from November 2014 to November 2016, while the license was expired. The Stipulations of Fact above establish that Mr. Jump violated T.C.A 63-18-104(a)(b), T.C.A 63-18-108(7), and TENN. COMP. R. & REGS 0870-01-02(1).

After a discussion and review, the Board found that Mr. Jump had violated the Tennessee Massage Licensure Board statutes and regulations. His conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Wray, to approve the consent order as written. The motion carried. Mr. Jump's massage establishment license was reprimanded and placed on probation until the next renewal cycle. He was assessed twenty-one (21) Type B Civil Penalties, six (6) in the amount of One Hundred Dollars each, three (3) in the amount of Two Hundred Fifty Dollars (\$250) each, and twelve (12) in the amount of Two Hundred Seventy-Five Dollars (\$275) each, representing the civil penalties for each month the establishment operated on a lapsed license beyond the first three months, for a total assessment of Four Thousand Six Hundred Fifty Dollars (\$4,650.00). He was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00).

### **Amanda Eaton, L.M.T. – 8369**

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the consent order for Amanda Eaton. Ms. Eaton practiced massage therapy at Sterban Chiropractic, located at 100 North Main Street in Goodlettsville, TN from May 2011 through August 2014 on an as-needed basis. In August 2014, Sterban Chiropractic changed ownership and the name of the establishment to Guardian Chiropractic. Ms. Eaton continued to practice at Guardian Chiropractic from August 2014 until January 2015 on an as needed basis. She practiced on a full-time basis at Guardian Chiropractic from January 2015 through April 27, 2015. During the time periods above, neither Sterban Chiropractic nor Guardian Chiropractic held a massage establishment license. Guardian Chiropractic obtained a massage establishment license on April 27, 2015. The Stipulations of Fact above establish that Ms. Eaton violated T.C.A 63-18-108(7)(10).

After a discussion and review, the Board found that Ms. Eaton 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 approve the consent order as written. The motion carried. Ms. Eaton's massage therapist license was placed on probation until all civil penalties and cost are paid in full, and shall remain on probation for a minimum period of two (2) years beginning the effective date of the order. Ms. Eaton was assessed forty-two (42) Type C Civil Penalties in the amount of One Hundred Dollars (\$100.00) each, representing each month she practiced massage therapy at an unlicensed establishment on an as-needed basis. Ms.

Eaton was assessed three (3) Type B Civil Penalties in the amount of Two Hundred Dollars each, representing each month that she practiced massage therapy at an unlicensed establishment on a full-time basis, for a total assessment of Four Thousand Eight Hundred Dollars (\$4,800.00). She was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00).

**Meadowsweet Massage and Wellness – 3529 – Elodie LaFont, L.M.T. – 7403 & Nicole Bold, L.M.T. – 6589**

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the consent order for Meadowsweet Massage and Wellness. Ms. Elodie LaFont and Ms. Nicole Bold own and operate Meadowsweet Massage and Wellness located at 117 South Gay Street, Knoxville, TN 37902. Ms. LaFont and Ms. Bold are both currently licensed massage therapist in Tennessee. They practiced part-time as massage therapist at Meadowsweet Massage and Wellness while the massage establishment license was expired from March 2014 until August 2015. The Stipulations of Fact above establish that Ms. Bold and Ms. LaFont violated T.C.A 63-18-104(a)(b), T.C.A 63-18-108(7)(10), and TENN. COMP. R. & REGS 0870-01-02(1).

After a discussion and review, the Board found that Ms. Bold and Ms. LaFont had violated the Tennessee Massage Licensure Board statutes and regulations. Their conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Wray, to approve the consent order as written. The motion carried. Ms. Bold and Ms. LaFont's massage therapist licenses are placed on probation until all civil penalties and cost are paid in full. Meadowsweet Massage and Wellness's massage establishment license is placed on probation until successful payment of all civil penalties and cost. They were assessed eleven (11) Type B Civil Penalties in the amount of One Hundred Dollars (\$100.00) each, representing each month Meadowsweet Massage and Wellness operated on a lapsed license, for a total civil penalty of One Thousand One Hundred Dollars (\$1,100.00). They were also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00).

**Agreed Orders**

**Haiyan Bernhardt, L.M.T. – 9516**

Marc Guilford, Board Attorney, presented and discussed the agreed order for Haiyan Bernhardt. Ms. Bernhardt was licensed by the Board as a Massage Therapist on July 27, 2012. She worked at Blue Moon Massage, which is located at 230-C Stones River Mall Blvd, Murfreesboro, TN 37129, from at least 2013 until July 2015. Blue Moon was only licensed as a massage establishment from March 12, 2014 through November 3, 2014. The establishment license was held during that time by Mr. Jeff Griswold. He retired his license on November 3, 2014, but Ms. Bernhardt continued to perform massages in the establishment without an establishment license. On March 9, 2015, Ms. Bernhardt submitted a massage establishment application that was denied by the Board on August 10, 2015 for operating without a license. On July 24, 2015, Mr. Griswold submitted a massage establishment reactivation application for Blue Moon, license # 3969. As a result, Mr. Griswold was invited to the November 2, 2015 Board meeting. On September 4, 2015, Ms. Bernhardt submitted a new establishment application for Blue Moon. On

September 17, 2015 Ms. Bernhardt was sent a letter inviting her to the November 2, 2015 Board meeting. The Board staff called the phone number associated with Blue Moon on September 24, 2015 and was able to schedule an appointment for September 25, 2015 for a massage. On November 2, 2015, Bernhardt and Griswold appeared before the Board for interviews. The Board voted to deny both Bernhardt and Griswold's applications based on evidence that Blue Moon had been operating without a license. The Stipulations of Fact above establish that Ms. Bernhardt violated T.C.A 63-18-108(7)(12), and TENN. COMP. R. & REGS 0870-01-02(1).

After a discussion and review, the Board found that Ms. Bernhardt had violated the Tennessee Massage Licensure Board statutes and regulations. Her conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Wray, to approve the agreed order as written. The motion carried. Ms. Bernhardt's massage license was placed on probation for a period of at least three (3) years. She was assessed one (1) Type B Civil Penalty in the amount of Five Hundred Dollars (\$500.00) and twelve (12) Type B Civil Penalties in the amount of Two Hundred Dollars each, representing the civil penalties for a massage therapist opening and operating an unlicensed establishment, for a total assessment of Two Thousand Nine Hundred Dollars (\$2,900.00). She was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars (\$3,000.00).

#### **Yuntao Jiang, L.M.T – 9324**

Marc Guilford, Board Attorney, presented and discussed the agreed order for Yuntao Jiang. Mr. Jiang was licensed by the Board as a Massage Therapist on January 10, 2012, which is currently suspended and had an expiration date of October 31, 2014. He worked as a massage therapist at Aqua Footcare and Massage Center located at 1720 Old Ford Parkway, Suite F-180, Murfreesboro, TN from early 2012 until January 5, 2013. On December 28, 2012, Mr. Jiang provided a full body massage to a female client, and received oral sex from the client. He stated that the sexual contact during the massage was initiated by the client. His license was summarily suspended as a result of the allegations. The Stipulations of Fact above establish that Mr. Jiang violated T.C.A 63-18-108(7)(12), and TENN. COMP. R. & REGS 0870-01-19(1)(k).

After a discussion and review, the Board found that Mr. Jiang had violated the Tennessee Massage Licensure Board statutes and regulations. His conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Wray, to approve the agreed order as written. The motion carried. Mr. Jiang voluntarily surrendered his massage therapist license which has the same effect as revocation. He was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Five Hundred Dollars (\$500.00). Pursuant to Rule 0870-01-13(1)(f), the Board is willing to consider a new application once at least one (1) year has passed from the effective date of the order. At a minimum, Mr. Jiang should consider obtaining a fitness to practice evaluation prior to submitting any new application, and complying with any recommendations made in the evaluation.

#### **Yuzhu Gong, L.M.T – 9030**

Marc Guilford, Board Attorney, presented and discussed the agreed order for Yuzhu Gong. Ms. Gong was licensed by the Board as a Massage Therapist on August 4, 2011. She practiced massage in an unlicensed establishment from at least February 2010 through at least March 2013. In February 2017, Ms. Gong applied for a massage establishment license for Qi Gong

Massage, located at 5722 Hickory Plaza Suite B5, Nashville, TN 37211. She requested to withdraw her establishment application with the agreed order. The Stipulations of Fact above establish that Ms. Gong violated T.C.A 63-18-108(7)(10), and TENN. COMP. R. & REGS 0870-01-19(1)(w).

After a discussion and review, the Board found that Ms. Gong had violated the Tennessee Massage Licensure Board statutes and regulations. Her conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Mr. Velker, to approve the agreed order as written. The motion carried. Ms. Gong voluntarily surrendered her massage therapist license which has the same effect as revocation. She was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Five Hundred Dollars (\$500.00). Her establishment license application for Qi Gong Massage was withdrawn, and the file shall be closed.

### **Contested Case Hearings - Proposed Final Orders**

#### **Jie Prater, LMT – 9539**

Mr. Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Kim Summers. Ms. Prater was present and was represented by her attorney, Mr. Guy Dotson. 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. Prater regarding her case. Ms. Prater owned and operated Chinatown Massage Therapy and Foot Care Center, which was located at 1630 South Church Street, Murfreesboro, Tennessee 37130. Chinatown Massage was licensed as an establishment from about October 24, 2012 through October 31, 2014. At the November 2, 2015 meeting, Ms. Prater admitted that although Chinatown's license expired on October 31, 2014, the establishment was open and operated until April 2015. She also stated during the November 2, 2015 meeting that she had employed three unlicensed therapist, but testified that she fired the therapist for not having a valid Tennessee Massage License. Based on the information above, the Board denied Ms. Prater's reactivation application for Chinatown Massage. The Stipulations of Fact above establish that Ms. Prater violated T.C.A 63-18-108(7)(12), TENN. COMP. R. & REGS 0870-01-.02(1) and TENN. COMP. R. & REGS 0870-01-.02(2)(b)(1).

After a discussion and review, the Board found that Ms. Prater had violated the Tennessee Massage Licensure Board statutes and regulations. Her conduct constitutes grounds for discipline on her massage therapist license. Mr. Velker made a motion, seconded by Ms. Cross, to approve the amended consent order. The motion carried. Ms. Prater's massage license was placed on probation for a period of four (4) years from the effective date of the order. She was assessed three (3) Type A Civil Penalties in the amount of One Thousand Dollars (\$1000.00) each, representing one such penalty for each unlicensed individual Ms. Prater allowed to work at her establishment. She was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars (\$3,000.00). All fines and penalties must be paid within twelve (12) months of the entry of this order.

#### **Tammie Green, LMT – 2565**



Mr. Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Kim Summers. Ms. Green was not present for the contested case hearing. Ms. Cross made a motion, seconded by Ms. Easterly, to proceed in default with the hearing in Ms. Green's absence. Mr. Guilford presented a sworn affidavit from Ms. Nichelle Dorroh, Disciplinary Coordinator and Kimberly Hodge, Board Director, regarding Ms. Green's 2009-2010 continuing education audit and her 2011 licensure renewal.

Ms. Green was licensed as a Massage Therapist on September 14, 2001 and has a current expiration date of March 31, 2019. During the 2009/2010 continuing education cycle, she failed to obtain the required twenty-five (25) hour of continuing education, but falsely certified she had done so when she renewed her license in 2011. Ms. Green also failed to obtain twenty-five (25) approved hours of continuing education in the 2011/2012 continuing education cycle. In February 2015, the Board ratified a consent order against Ms. Green's license for failure to complete the required continuing education in the 2001/2012 cycle. The 2015 Order required Ms. Green to complete a total of thirty-one (31) continuing education hours by February 2016 and pay \$1,550.00 in civil penalties. As of the date of this order, she has only shown evidence of completing (4) hours of continuing education since February 2015. The Stipulations of Fact above establish that Ms. Green violated T.C.A 63-18-108(7)(9), TENN. COMP. R. & REGS 0870-01-.12(1)(7) and TENN. COMP. R. & REGS 0870-01-.19(1)(d)(f).

Upon discussion and review, the Board found that Ms. Green had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Her conduct constitutes grounds for discipline. A motion was made by Mr. Velker, seconded by Ms. Cross, to approve the amended consent order. The motion carried. Ms. Green's license was suspended until she submitted the required fifty-eight (58) make-up and penalty hours for the 2009/2010 and 2011/2012 cycle. Once Ms. Green has submitted documentary evidence demonstrating her compliance with her continuing education, her license shall be placed on probation, for a period of at least three (3) years. She was assessed one (1) Type B Civil Penalty in the amount of One Hundred Fifty Dollars (\$150.00), representing the penalty for falsely certifying on the license renewal that she had completed the required continuing education in the 2009/2010 cycle, and twenty-five (25) Type C Civil Penalties in the amount of Twenty-Five Dollars each, representing one civil penalty per hour Ms. Green was deficient, for a total assessment of Seven Hundred Seventy-Five Dollars (\$775.00). These civil penalties are in addition to the civil penalties assessed against Ms. Green in the 2015 Order. She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars (\$3,000.00).

### **Minutes**

Upon review of the February 6, 7, 2017 minutes, Ms. Cross made a motion, seconded by Mr. Velker, to approve the minutes as written. The motion carried.

### **Financial Report**

Ms. Noranda French discussed the Boards Fiscal Year Revenue and Expenditures thru December 31, 2016 and the FY17 Year End Projection. She briefly discussed all 2016 direct expenditures for the Board, which totaled \$351,555.77. The Board's total allocated expenditures for

administration, legal, investigations and the cash office totaled \$245,265.57. The Board's total expenditures for FY 2016 were \$596,821.34; revenue of \$730,946.82; current year net of \$134,125.48; and a cumulative carryover of \$1,157,469.20. Ms. French also discussed the Board's 2017 year end projections. She stated that the Board's projected total expenditures for FY17 are \$719,628.32; revenue of 779,173.14; net of 59,544.82; and a projected cumulative carryover of \$1,167,924.92. Ms. French provided the Board with graph charts to compare the Board's 2016 and 2017 mid-year expenditures and allocated expenditures.

**Office of Investigation/Disciplinary Report**

Ms. Nichelle Dorroh, Disciplinary Coordinator, reported the Board currently has forty-five (45) open complaints against massage therapists and thirty-seven (37) open complaints against massage establishments in the Office of Investigations.

**Directors Report**

As of June 1, 2017 there were 4,289 licensed massage therapists and 1,690 licensed massage establishments.

Following is the license status since the last meeting:

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>January 2017</b>	<b>January 2017</b>
Newly Licensed – 53	Newly Licensed – 28
Reinstate Applications – 4	Reinstate Applications – 7
Retired- 32	Retired – 8
New Applications- 25	New Applications- 20

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>February 2017</b>	<b>February 2017</b>
Newly Licensed – 38	Newly Licensed – 18
Reinstate Applications – 2	Reinstate Applications – 3
Retired- 17	Retired – 5
New Applications- 27	New Applications- 19

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>March 2017</b>	<b>March 2017</b>
Newly Licensed – 29	Newly Licensed – 32
Reinstate Applications –7	Reinstate Applications – 4
Retired- 23	Retired – 6
New Applications- 43	New Applications- 32

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>April 2017</b>	<b>April 2017</b>
Newly Licensed – 48	Newly Licensed – 25

Reinstate Applications –13	Reinstate Applications – 5
Retired- 10	Retired – 5
New Applications- 41	New Applications- 20

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>May 2017</b>	<b>May 2017</b>
Newly Licensed – 36	Newly Licensed – 23
Reinstate Applications –5	Reinstate Applications –2
Retired- 9	Retired – 6
New Applications- 32	New Applications- 18

### **Continuing Education Report**

Ms. Hodge stated from July 2016 to December 2016 the compliance unit audited a total of 102 massage therapists. Of the massage therapists audited, 70 were compliant (69%) and 32 were non-compliant (31%). Fourteen (14) licensees were deficient in required continuing education hours. Eighteen (18) failed to contact the compliance unit or submit documentation.

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

Mr. Marc Guilford stated there are currently 55 open cases in OGC. He briefly that the Rule Packet had been approved by the Attorney General’s Office and now had been sent to the Secretary of State Office. The rules are currently set to go into effect on August 17, 2017 and will go before the Joint Government Operations Committee for final approval in July 2017. Mr. Guilford briefly discussed House Bill 852. In his discussion, he cautioned the Board to be mindful of their comments to applicants that appear before the Board for licensure.

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

Ms. Laura Simmons, Administrator for the Federation of State Massage Boards, participated in a conference call regarding the Massage Therapy Licensing Database. The goal of the Federation’s Massage Therapy Licensure Database (MTLD) is to provide a comprehensive view of massage therapists Regulated in the United States and its territories by providing a central repository for all therapist records. The information gathered from multiple data sources will provide a 360-degree view of therapists, including their licensure information from multiple states, contact information, disciplinary and board action, school history and more. FSMTB is asking state massage therapy licensure boards to participate in MTLD by providing data that will help complete the view of therapists to assist regulatory boards and agencies. The data base is offered to all States that are members of the FSMTB and are actively participating and providing data to MTLD free of charge.

On the initial upload, States will provide data for all therapists within their data management systems. For every regular upload after the initial upload, States will only provide information that has changed on any files. School information will be provided every time. FSMTB will provide States with secure encryption software that will be configured for that State, which will

rename files to indicate the date/time they were received, as well as the delivery State. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Easterly, for Tennessee to participate in the pilot program for the Massage Therapy Licensing Database (MTLD). The motion carried.

### **Presentation by the Tennessee Professional Assistance Program (TnPAP)**

Mr. Mike Harkreader, Executive Director of TnPAP was present at the meeting and provided the Statistical Report for the Tennessee Professional Assistance Program for the period of July 1, 2016 to March 31, 2017. TnPAP is currently monitoring seven (7) massage therapists. He reported that there are four (4) effective agreements and three (3) pending agreement. There have been seventeen (17) Board referrals and fourteen (14) client files that were closed for either declining services or declining the recommendations. Mr. Harkreader stated that the Board's expenditures for evaluations and toxically screening equaled \$17,285.00 from July 1, 2016 to March 31, 2017.

### **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. The motion carried.

#### **Jennifer L. Hopeland, LMT - 9621**

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

#### **Ryan Michael Jones, LMT - 9811**

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

#### **Andrea Jaye Mosby Meachem, LMT - 10003**

Ms. Meachem 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

#### **Carolyn Diane Sable, LMT - 3556**

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

#### **Doratheia Kathleen Schwalm, LMT - 8376**

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

#### **Mitch Stanlick, Owner, Stanlick Chiropractic - 2067**

Ms. Cardin agreed to pay a civil penalty in the amount of \$300.00 for operating a massage establishment on a lapsed license for six (6) 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.

#### **Sarah E. Anderson, LMT - 8791**

Ms. Anderson 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.

#### **Stephanie Q. Baker, LMT - 5534**

Ms. Baker 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.

#### **Teresa G. Bennett, LMT -457**

Ms. Bennett 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.

#### **Genevieve Bobeck, LMT - 6020**

Ms. Bobeck agreed to pay civil penalties in the amount of \$475.00 for failing to obtain thirteen (13) hours of continuing education during the 2013/2014 continuing education cycle.

#### **Lori R. Clark, LMT - 2468**

Ms. Clark 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.

#### **Alease V. Davis, LMT - 2146**

Ms. Davis agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2009/2010 continuing education cycle.

#### **Ilona D. Drocea, LMT - 5238**

Ms. Drocea 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.

#### **Meredith D. Gauthier, LMT - 9044**

Ms. Gauthier agreed to pay civil penalties in the amount of \$675.00 for failing to obtain twenty-

one (21) hours of continuing education during the 2013/2014 continuing education cycle.

Debra S. Harrington, LMT - 922

Ms. Harrington 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.

Donna C. McGrath, LMT - 909

Ms. McGrath 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.

Marlena Mills, LMT - 7843

Ms. Mills 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.

Matthew J. Miner, LMT - 8102

Mr. Miner agreed to pay civil penalties in the amount of \$650.00 for failing to obtain twenty (20) hours of continuing education during the 2013/2014 continuing education cycle.

Melinda G. Moore, LMT - 9332

Ms. Moore 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.

Andrea N. Norris, LMT - 4294

Ms. Norris 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.

Kathleen Rosemary, LMT - 1847

Ms. Rosemary 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.

Christopher A. Sluss, LMT - 283

Mr. Sluss 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.

Benjamin K. Stone, LMT - 5242

Mr. Stone 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.

Shaohua Wei, LMT - 9666

Ms. Wei 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.

Desha T. White, LMT - 7686

Ms. White agreed to pay civil penalties in the amount of \$575.00 for failing to obtain seventeen (17) hours of continuing education during the 2013/2014 continuing education cycle.

**Ratifications**

Ms. Cross made a motion, seconded by Ms. Jaggars, to approve the lists of ratification for initial and reinstated licenses for massage therapists and massage establishments. The motion carried.

**Establishments**

Agape Massage And Bodywork	Muse Family Chiropractic Llc
Ashley Neill Lmt	Namaste Memphis!
Ashley Pearce Massage	Nashville Sports Massage
Banana Tree Organic Salon & Spa	New Beginnings Myofascial Therapy Llc
Bear Branch Bodyworks Of Tennessee	Nice To Be Kneaded
Beverly Hills Nails & Spa	Options Health Pllc
Blue Ridge Yoga And Wellness Center	Organic Massage And Wellness
Body Sync - Massages By Michelle	Panacea Therapeutic Massage
Breezeway Yoga Studio	Relache Spa At Gaylord Opryland Resort
Calla Lily Day Spa & Salon	Restore Massage
Caring Touch Therapy	Revive Integrative Therapy
Caring Touch Therapy	River'S Edge Salon & Spa
Chiropractic Memphis	Roxanne O'Guin Lmt
Comfy Massage	Sakura Massage
Cumberland Day Spa	Shae Malu'S Healing Hands
Dane Owen Fitness DbA Cookeville Touch	Shangri-La Day Spa
Dru Herring Massage Therapy	Shauna L Black Lmt
Elia	Shawna Massage Llc
Evoke Wellness Center	Shear Faith Salon & Spa
Evolved Llc DbA Raja Hot Yoga	Sheila Mae Kasee
Fiona Leckenby Lmt	Sisu Sauna Studio
Ground Zen Massage	Southern Sass
Health Restoration Massage	Sport And Wellness Chiropractic Pllc
Hixson Chiropractic Clinic P.C.	Sublime Hair & Nail Salon
Home Office Of Adrien Grey Mackenzie	Sunshine Massage
Home Studio	The Calming Effect
Imad Sultan	The Healing Point

Janey Drye Licensed Massage Therapies	The Health Nut Llc
Jewel Spa & Boutique	The Iaomai Center Llc
Jhm On Thespot	The Retreat Massage Therapy
Kala'S Cutz & Colors	The Wellness Source Llc
Knoxville Spine And Sports	Tina'S Touch
Konoha Massaji	Tranquility Ridge Massage
Linda Christopher Lmt	Tri Coa Day Spa
Live Well Medical Clinic & Spa	Unwind Massage Therapy
Massage Pointe	Valerie Walter Lmt
Mellow Moods Massage Therapy	Venus Luxury Spa Llc
Meridian Massage & Cupping	Well Health & Chiropractic Inc.
Midas Touch Massage Therapy	Wendy Boyd Ennis Massage
Ming Da Inc. Dbm & D Foot Massage	Westmoreland Massage And Wellness
Mona Pedersen Lmt	Wyatt Chiropractic
Mountain Path Healing Arts Studio	Yoga Of Dickson

### **Establishment Re-instatement**

Elementals Massage	North Shore Massage & Bodywork
At Last A Day Spa And Salon	Prestige Salon
Deep Tissue Massage	Spa Ninety-Seven Hundred
Diane Sable Lmt	Stanlick Chiropractic
Hope White Massage	Tender Touch Therapies
Jillian'S Studio	Healing Hands Wellness And Massage
Knead For Wholeness	Healing Hands-Therapeutic Massage
Music City Healing Arts	Massage Mcminnville

### **Massage Therapist**

Anderson Kayla Clare	Mcgoldrick Stephanie Michelle
Autry Michael Craig	Mcintosh Katie Lynn
Bawm Chang	Mitchell Anna Marie
Betwinek Darlene Glynett	Monroe Maria Christine
Billingsley Jaqueline Priscilla	Moran Terri K.
Boyd Eryn Cate	Nickelson Danielle Christina
Braddock Sara Elizabeth Piercy	Norris Dana Sharlene
Broadwater Carissa Lee	Norton Jordan Michael
Brown Laurel Genevieve	Ogle David Cody
Catterton Catrenia Ethel	Oppenlander Emily Elizabeth
Connor Jessica Louise	Paulson Kelly Grimes
Coombes Teresa Lyn	Payne Douglas Deshawn
Crawford Stephanie Michelle	Pepper Keri Patience
Cutshaw Dana Michelle	Peterson Maria Cristine
De La Mota-Salas Ruth	Plankey Frank Joseph
Desha Tawnya Renee	Powell Morgan Vivian



Dexter Terry Lee	Quinn Kerry Ann
Drye Beulah Jane	Quinn Miranda Lee
Durban Jonathan Lee	Ramsey Brooke Nicole
Farlow Johanna Marie	Rathbun Joshua Phillip
Foster Elizabeth Ann	Redmon James Michael
Gard Rachel Michelle	Rhodes April Rose
Gordinier Sylvia Alexandra	Richard Halee Grace
Goudy Tess Marie	Richter Jessica Lynn
Green Kaitlyn Alexandria	Richter Susan Anne
Guess Beverly Gail	Riddle Emily Catherine
Guy Magi Leigh	Roberts Mesina Len
Haley Joanne	Robinson Laura Lee Elizabeth
Hawkins Anna Mariah	Rodgers Rebecca Colleen
Hawkins Whitney Monique	Rohn Loren Lea
Hernandez-Hudson Eunice	Seaborn Corey Michael
Hickok Jason Ben	Shank Randall Brain
Hicks Michael Riley	Sibley Sara Olivia Lanae
Hicks Steven Demell	Simpson Catlain Climer
Higgins Katherine Ramsey	Smith Carol Ann
Hixson Shelby Mariah	Smith Daniel John
Hoffman Chava Shira	Smith Sheila Marie
Horst Nicholas E.	Snell Jeremy Wayne
Hunt Ashley Brooke	Snodgrass Gabriel Silas
Itz Katherine Ann	Southard Jillian Denice
James Kathleen F	St. Clair Veronica Lynne
Johnson Joany Lynn	St. Hilaire Kristianne Cherie
Johnson Marisela Lerma	Stover Tabatha Michelle
Johnson Tanya Renee	Sulikowski Michelle Miller
Jones William Paul	Sultan Imad Soheb
King Ashley Michele	Sweet Mary Cathleen
Kinsey Kayla M.	Trumbo Heather Kay
Koch Erin Marie	Turrill Jami Kay
Lalewicz Linda Marie	Vesey Brendan John
Lambert Meegan Diakoya	Von Hagn Kirsten Brooke
Landry Patrick Joseph	Wagner Casey Lynn
Lane Emerald Dove	Wallace Claire Compton
Lawrence Amanda Darlene	Walter Valerie Nicole
Lemaster China Loreal	Warden Ashleigh Catherine
Lynch Leah Carol	Wilkins Kristina Ann
Madera Debby Lee	Williams Gabrielle Alyse
Martin Keely Elizabeth	Williams Rodricquez Demeria
Matney Shanda Jeanene	Wilson Mary Louise Agnes
Mcabee Renee Annette	Womack Alice Miranda
Mcgann Ana R.	White Reginald Eugene

### **Massage Therapist Re-instatements**

Anderson Gregory Bilinsky	Kohl-Carter Marjorie Ann
Barbercheck Theresa P.	Mosby Meachem Andrea Jaye
Booher Tracy Kim	Newby Joy Louise
Cannon Candy Rose	Phillips Allison Jane Collins
Crawford Derrick Dewayne	Schumaker Stephanie Ann
Curtis Stephanie A.	Schwalm Dorathea Kathleen
Deltoro Kristin Lee	Sullivan Julia Ruth
Everett Casey Dawn	Wade Priscilla Kay
Fleischmann Suzanne Elizabeth	Westbrook Wendy Dianne
Gilbert Natalie Dawn	Bullington Marsha Ann
Hader Jessea Dawn	Davis Alease Venet
Harris Shaundra Copeland	Kramer Natalie Renee
Jones Ryan Michael	

### **Approved Continuing Education Courses**

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

1. Savanna Bell, LMT-TN Law Regulating Massage Therapist 2 hrs. TN032217-13
2. Savanna Bell, LMT-TN Law Regulating Massage Therapist (Live Webinar) 2hrs TN032217-14
3. Wanda Sharber-Miolen, LMT- TN Law – Massage Licensure Board Rules 2 hrs. TN041217-15
4. Jillian Shelton Ricks, LMT- Reiki Level 1- Practitioner 12 hrs. TN042017-16
5. Scott Ingell, LMT - Tennessee Law 2 hrs. TN060717-17
6. Scott Ingell, LMT - Ethics Workshop 2 hrs. TN060717-18

### **Review Board Correspondence**

#### **Benjamin R. Jones –Massage Establishment Inspections**

Ms. Lisa Lampley, Massage Board Director, read a letter from Benjamin R. Jones regarding his request to know if the Board would consider recruiting and training licensed massage therapist to perform random massage establishment inspections within a certain mile radius of the therapist's home and/or practice. After a brief discussion, the Board requested that the Administrative staff send Mr. Jones a letter thanking him for his correspondence, and informing him that the Board is

currently working on procuring and implementing a Request for Proposal for unannounced massage establishment inspections.

### **Maj-Lis Nash – Two (2) Hour Tennessee Massage Law Class**

Ms. Lisa Lampley, Massage Board Director, read a letter from Maj-Lis Nash and Steve Sommers regarding their request to have Tennessee approved massage schools listed on the continuing education page as approved two (2) hour Tennessee law providers. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross, instructing the administrative staff to add a disclaimer to the continuing education page that approved Tennessee massage educational programs offer the required four (4) hours of Tennessee Law and Ethics for continuing education and provide the link to the educational page. The motion carried.

### **Request for Continuing Education Waiver**

At the February 6, 2017 Board meeting, the Board considered Ms. Rachel Wanyoike request for a waiver of twenty-five (25) continuing education hours for the 2015/2016 continuing education cycle due to financial issues. Ms. Wanyoike mailed a letter requesting a waiver for the Board to consider and review. After a discussion, the Board deferred action on Ms. Wanyoike's waiver request to allow her an opportunity to submit additional documentation from the Path program. Ms. Wanyoike then sent in a letter requesting to withdraw her waiver request due to her moving out of State and retiring her license. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray, to grant Ms. Wanyoike's request to withdraw her waiver. The motion carried.

### **OGC's Request to Fund Attendance to FARB Regulatory Law Seminar in October 2017**

Federation of Associations of Regulatory Boards will host a Law Seminar on October 5-8, 2017 in Savannah, Georgia. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross to approve Mr. Marc Guilford and Ms. Francine Baca-Chavez to attend the FARB Law Seminar. The motion carried

### **Appoint staff and members to attend the FSMTB Annual Meeting**

Mr. Bolden requested that the Board designate three (3) Board members and staff to attend the 2017 Federation of State Massage Therapy Board Conference in Tampa, Florida. After a brief discussion, Ms. Wray made a motion, seconded by Ms. Cross to appoint Ms. Burke as the Board delegate. The motion also included to send Mr. Velker, Kimberly Hodge, Board Director, Mr. Marc Guilford, Board Attorney, and Ms. Rosemarie Otto, Director of Health Related Board, to the FSMTB Annual Meeting. The motion carried. Ms. Cross made a motion, seconded by Ms. Burke to allow funding to send all Board Members and Board Staff to the FSMTB Conference.

The Board adjourned at 3:54 pm.

**MINUTES  
TENNESSEE MASSAGE LICENSURE BOARD  
JUNE 7, 2017**

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

Location: 665 Main Stream Drive  
HRB Conference Center  
1<sup>st</sup> Floor, Poplar Room  
Nashville, TN 37243

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

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

The meeting was called to order at 9:20 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.

**Michelle Young – Rhapsody Spa by the Westin Nashville**

Ms. Michelle Young was not present to answer and explain concerns regarding her massage establishment application as the responsible person for Rhapsody Spa by the Westin Nashville located at 807 Clark Place in Nashville, Tennessee. Ms. Young originally was requested to appear before the Board based on evidence that the establishment had been open and operating without a massage establishment license. She then sent in a request to withdraw her application

for Rhapsody Spa by the Westin Nashville, based on the fact that she was no longer employed at the establishment. Mr. Matt Scanlon, attorney for the Westin, was present and represented his clients. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Easterly to approve Ms. Young's request to withdraw. The motion failed after a roll call vote. Ms. Cross made a motion, seconded by Ms. Burke, to deny Ms. Young's establishment application for Rhapsody Spa by the Westin Nashville based on evidence that the establishment operated for about four months (4) without a license and the establishment provided over 500 massages during that time. Furthermore, it appeared as Ms. Young had mislead her massage therapist regarding the status of the establishment license and lied to Board personnel when asked whether the establishment had operated. The Board denied the application under T.C.A 63-18-108(1)(7). The motion carried with Ms. Easterly and Mr. Velker opposed.

### **Lucas Kindlesparks & Paul Wischermann – Rhapsody Spa by the Westin Nashville**

Mr. Paul Wichermann and Mr. Matt Scanlon, Westin's attorney, appeared before the Board to answer and explain concerns regarding the massage establishment application for Rhapsody Spa by the Westin Nashville located at 807 Clark Place in Nashville, Tennessee. The Board was concerned that Rhapsody Spa by the Westin Nashville was advertising and open and operating without a valid massage establishment license. Mr. Scanlon admitted that the spa had operated for about four months (4) without a license and the establishment provided 544 massages during that time. Mr. Scanlon stated that once, the Westin management learned that the establishment had been operating without a license, it ceased all massages on February 13, 2017 and applied for a new establishment license with a new responsible person. Before the meeting Mr. Scanlon and Mr. Guilford had worked out a conditional license agreement based upon the Board's unlicensed policy. After a detailed discussion Mr. Velker made a motion, seconded by Ms. Wray to approve a conditional license. The establishment was assessed one Type A civil penalty in the amount of One Thousand Dollars (\$1,000.00), plus one Type B civil penalty in the amount of Three Hundred Dollars (\$300.00), plus thirty-two (32) Type C civil penalties, representing four month of practice with eight massage tables, in the amount of One Hundred Dollars (\$100.00) each, representing the civil penalties for operating an unlicensed establishment with eight massage tables from October 2016 through February 2017, for a total assessment of Four Thousand Five Hundred Dollars (\$4,500.00). All civil penalties must be paid in full before the license shall be issued. The motion carried with Ms. Cross opposed.

### **Kelly Derscheid, LMT – Warrior Massage and Mobility, Inc.**

Ms. Kelly Derscheid and her attorney, Kendal White, appeared before the Board to answer and explain concerns regarding her massage establishment application for Warrior Massage and Mobility, Inc. located at 468 Rice Street in Murfreesboro, Tennessee. At the October 26, 2016 meeting, the Board approved an agreed order for Ms. Derscheid. The order reprimanded Ms. Derscheid's massage therapist license and required her to pay civil penalties for her owning, operating, and working as a massage therapist in an unlicensed establishment from April 2013 to February 11, 2014, and pleading guilty to a 2016 DUI on June 28, 2016. Ms. Derscheid also had a 2009/2010 continuing education violation. When completing the Ownership or Proceeds Disclosure form in her current establishment application, she marked no to ever being disciplined on her license. Mr. Kendal stated that Ms. Derscheid's probation for her DUI would end on June 27, 2017. After a brief discussion, Mr. Velker made a motion, seconded by Ms. to grant Ms.

Derscheid's massage establishment license contingent upon her sending proof to the administrative office on or after June 27, 2017 that she had completed all requirements from the State regarding her probation. The motion carried.

### **Te Kimberly Chen**

Ms. Te Kimberly Chen was not present for the meeting and file was deferred from the February 6, 2017 Board meeting. She was asked to appear before the Board to answer and explain concerns regarding her educational transcript submitted from American College Massage School in Crown Point, Indiana for her massage therapy application. Ms. Chen attended a 1000 hour program that consisted of home study/online hours and in class hours. Additionally, there were concerns about the inconsistencies in her educational documentation received from American College Massage School. The school sent multiple catalogs that reflected various conflicting hours and various conflicting courses. Ms. Chen stated that she completed a 50 week massage program that consisted of 600 hours in class and 400 hours of home study, but her transcript reflected that she completed a 45 week program. Based upon her hours reflected in her transcript, it appeared that Ms. Chen was sixty (60) short in Anatomy and Physiology to meet the two hundred (200) hour Tennessee requirement. The Board deferred Ms. Chen's application to allow her an opportunity to contact and consult with her school regarding the hours and course work she completed and request that the school send additional information to the Massage Board. As of the June 7, 2017 meeting, the Board Administrative Office hadn't received any additional information from Ms. Chen or the American College Massage School. After a brief discussion, Ms. Cross made a motion, seconded by Mr. Velker, to deny Ms. Chen's application based upon T.C.A 63-18-105 and TENN. COMP. R. & REGS 0870-01-.04(1)(e).

### **Yucui Liu – DY Reflexology**

Ms. Liu appeared before the Board to answer and explain concerns regarding her massage establishment application for DY Reflexology located at 810 NW Broad Street, Suite 238 in Murfreesboro, Tennessee. The establishment was owned and operated by Guo Dong Nie, but Mr. Nie retired his establishment license on December 7, 2016. The Board office then received an establishment application from Yan Xia Liu on December 13, 2016 for Red Rose Reflexology, Inc. located at the same address. Ms. Liu never completed her address for Red Rose Reflexology, Inc. On December 20, 2016, the Massage Board received a new application for DY Reflexology from Shubo Qin. The Board Administrative Office called the telephone number associated with the DY Reflexology application on January 23, 2017 and was able to confirm the address and make a 60 minute massage appointment for 10:00 am on January 24, 2017. Mr. Qin appeared at the February 6, 2017 Board meeting and answered questions regarding the establishment being open without an establishment license. Mr. Qin stated that he had taken over DY Reflexology and was using Mr. Guo Dong Nie's retired license. He also stated that he had operated the business for forty (40) days and that his wife, Ms. Yucui Liu, was the licensed massage therapist. The interpreter, Ms. Elizabeth Huang, translated the Board's questions and concerns regarding Ms. Liu's application that she submitted for a Massage Establishment in Tennessee. Ms. Liu stated that the establishment had been closed on February 6, 2017 after her husband's application was denied by the Board and massage hadn't be offered in the establishment since that time. After a discussion, Mr. Cross made a motion to deny Ms. Liu's establishment application. The motion failed. Ms. Wray made a motion, seconded by Mr. Velker, to approve Ms.

Liu's establishment application for DY Reflexology and request the Office of Investigations to open a case on Ms. Liu's therapist license for working in an unlicensed establishment. The motion carried with Ms. Cross opposed.

### **Jian Fen Yang – Lucky Star Massage**

Ms. Jian Fen Yang appeared before the Board to answer and explain concerns regarding her massage establishment application for Lucky Star Massage located at 6625 Maynardville Pike Suite 101 in Knoxville, Tennessee. Ms. Yang had applied for a previous massage establishment license for Jian Yang DBA Young Reflexology Foot Spa and appeared before the Board at the May 2, 2016 Board meeting. At the May 2, 2016 meeting Ms. Yang's establishment application was denied based on evidence that the establishment had previously been denied a license by the Board due to operating without a license, that the establishment lease was still held by the previous owner that had been denied, Ms. Yang's statements that her husband was the true owner of the location, but the application didn't reflect his name as an owner, and the indication in the application that the only therapist she intended to have work in the establishment lived and practiced in Nashville, which is over 150 miles from the establishment location in Knoxville. The interpreter, Ms. Elizabeth Huang, translated the Board's questions and concerns regarding Ms. Yang's current application for Lucky Star Massage. The Board was concerned that the current location Ms. Yang was applying for, was busted by the Knox Co. police for employing unlicensed therapist in November 2016. Ms. Yang admitted working for the previous owners, Long Ma & Haiyan Fan, but stated that she became employed by the previous owner in January 2017 and the establishment closed on May 31, 2017 when the license for Five Star expired. The Board was also concerned that Ms. Yang was unable to show a current lease in her name. Ms. Yang's husband, Jingyu Wu, presented a contract with the previous owner's name (Long Ma) marked out and Mr. Jingyu Wu's name written in on the lease. The Board was unable to determine when the alterations to the lease were made or whether the alterations were legitimate. After a discussion, Ms. Cross made a motion, seconded by Ms. Jagers, to deny Ms. Yang's application based upon T.C.A 63-18-108(1)(7)(12). The motion carried with Mr. Velker opposed.

### **Guang Tao Lu – Star Footcare Massage**

Mr. Guang Tao Lu appeared before the Board to answer and explain concerns regarding his massage establishment application Star Footcare Massage located at 2100 Hamilton Place Blvd. Ste. 240 A in Chattanooga, Tennessee. The interpreter, Ms. Elizabeth Huang, translated the Board's questions and concerns regarding Mr. Lu's application for Star Footcare Massage. Mr. Lu marked no on the Ownership or Proceeds Disclosure Form regarding discipline, but Mr. Lu had a 2011/2012 continuing education violation. After a discussion, Mr. Velker made a motion, seconded by Ms. Wray, to approve Mr. Lu's establishment application. The motion carried.

### **Angela J. Kralik**

Ms. Angela J. Kralik was asked to appear before the Board to explain why she answered "no" to his massage therapist application regarding any convictions other than a minor traffic offense. Ms. Kralik's criminal background check revealed a 1998 conviction for underage consumption and two (2) 2004 convictions for bad checks. After a brief discussion, Ms. Cross made a motion, seconded by Mr. Velker to grant the license. The motion carried.

### **G. Lynn Turner, DC – B Well Chiropractic Clinic PLLC**

Ms. G. Lynn Turner, DC appeared before the Board to answer and explain concerns regarding her massage establishment application for B Well Chiropractic Clinic PLLC located at 7794 E. Brainerd Rd Ste. 124 in Chattanooga, Tennessee. Ms. Turner's establishment had been open and operating without a massage establishment license for a short period of time. B-Well Chiropractic Clinic was properly licensed as a massage establishment until March 31, 2017, at which time the license expired. The establishment license was in the name of someone who no longer worked in the establishment, and Dr. Turner applied for a new license. Massage therapy continued to be practiced at the clinic while the clinic did not have a valid establishment license. After a detailed discussion, Mr. Velker made a motion to grant Dr. Turner a conditional license and assess civil penalties pursuant to the Board's unlicensed massage establishment policy. Dr. Turner was assessed one (1) Type A civil penalty in the amount of One Thousand Dollars (\$1,000.00), plus two (2) Type B civil penalties in the amount of Two Hundred Dollars (\$200.00) each, representing the civil penalties for operating an unlicensed establishment, for a total assessment of One Thousand Four Hundred Dollars (\$1,400.00). The motion carried with Ms. Cross opposed.

### **Kevin Rio Kiper**

Mr. Kevin Rio Kiper appeared before the Board to answer and explain concerns regarding his massage therapist application. Mr. Kiper had a 2004 Washington Default Board Order that revoked his Washington Acupuncture license for ten (10) years for unprofessional conduct. The Washington order outlined the following findings of fact: Mr. Kiper's license to practice as an acupuncturist in Washington was suspended by an uncontested administrative action from November 21, 2001 to January 23, 2003, for non-payment of child support; Mr. Kiper continued to advertise his services, and hold himself out as a licensed acupuncturist by treating patients while his license was suspended; Mr. Kiper advertised that he was a licensed massage therapist, but was never licensed in the State of Washington as a massage practitioner; Mr. Kiper advertised that he was a "Doctor of Oriental Medicine", but the State of Washington does not recognize "Doctor of Oriental Medicine" as a health care degree or a professional designation; Mr. Kiper engaged in a sexual relationship with patient A; Mr. Kiper engaged in an inappropriate sexual contact and conversation with patient B, including offering to massage patient B for free in exchange for sexual favors. His license to practice as an acupuncturist with re-instated in 2014 with stipulations. Mr. Kiper stated that the finding of facts were false and inaccurate. After a discussion, Ms. Cross made a motion, seconded by Mr. Velker, to defer action on his application and refer Mr. Kiper to the Board's contracted Peer Assistance Program (TnPAP) for an evaluation. The motion carried.

### **Amanda Dale Fox, MT**

Ms. Amanda Dale Fox appeared before the Board to discuss and answer concerns regarding a 2011/2012 continuing education violation for eight (8) hours that was referred over to the Office of General Counsel. Ms. Fox's case was closed in OGC when she retired her license, but was flagged for her to appear before the Board during re-instatement of her massage therapist license. Ms. Fox



presented proof of completing sixteen (16) hours of continuing education during the 2011/2012 continuing education cycle. She stated that she completed all required hours, but currently didn't have proof of her completion of her four (4) hours of Tennessee Law and Ethics class that she took at Miller Motte. After a discussion, Ms. Wray made a motion, seconded by Mr. Burke to approve Ms. Fox's reinstatement application contingent upon her submitting proof of completing her required four (4) hours of Tennessee Law and Ethics during the 2011/2012 continuing education cycle. If Ms. Fox was unable to show proof of the four (4) hours of Law and Ethics, Mr. Guilford was to issue her a conditional license that required her to complete the required hours and six (6) penalty hours, and pay all required civil penalties within one (1) year . The motion carried.

### **Huey Eugene Storm, MT**

Mr. Huey Eugene Storm was requested to appear before the Board to discuss and answer concerns regarding a 2011 agreed citation violation for his 2009/2010 continuing education violation for twenty-three (23) hours and a 2011/2012 continuing education violation for twenty-five (25) hours that was referred over to the Office of General Counsel. Ms. Storm's case was closed in OGC when his license expired, but was flagged for him to appear before the Board during re-instatement of his massage therapist license. Mr. Storm informed the Administrative Office the morning of June 7, 2017 that he wouldn't be able to be present due to health issues. Ms. Cross made a motion, seconded by Mr. Velker to move in Mr. Storm's absence. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray to deny Mr. Storm's reinstatement application based upon T.C.A 63-18-108(9). The motion carried.

### **Tammy L. Smith**

Ms. Tammy L. Smith was not present for the meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with the application review in Ms. Smith's absence. Ms. Smith was requested to appear before the Board to answer and explain concerns regarding her convictions involving, public intoxication, felony possession of cocaine, simple possession of marijuana, felony for setting fire to personal property, reckless driving, and violation of probation. Ms. Smith answered "no" on the ownership or proceeds disclosure form regarding any convictions other than a minor traffic offense. Based on the information in Ms. Smith's massage application, she was requested to contact the Tennessee Professional Assistance Program for an evaluation. The evaluation recommended that Ms. Smith participate in an intense outpatient substance use disorder treatment program, participate in individual therapy, and execute a monitoring agreement. Ms. Smith notified TnPAP that she would not be adhering to the evaluation recommendations. Therefore, TnPAP had no choice but to close her file. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Jagers to deny Ms. Smith's establishment application based upon T.C.A 63-18-108(2). The motion carried.

### **Joslyne English**

Ms. Joslyne English appeared before the Board to answer and explain concerns regarding her misdemeanor conviction involving a 2016 DUI. Based on the information in Ms. English's massage application, she was requested to contact the Tennessee Professional Assistance Program for an evaluation. The evaluation recommended that Ms. English participate in an ASAM Level II

treatment and execute a monitoring agreement. Ms. English challenged the evaluation recommendations and felt that she didn't need treatment. She notified TnPAP that she would not be adhering to the evaluation recommendations and requested that her file be closed. Mr. Harkreader stated that he had several conversations with Ms. English regarding the evaluator's recommendation and the steps she needed to take to complete the requirements. He also stated that he informed Ms. English that a second evaluation was available at Ms. English's expense. Ms. English requested that the Board defer her application to allow her time to work with TnPAP. After a brief discussion, Ms. Cross made a motion, seconded by Mr. Velker, to defer action on Ms. English's therapist application file until the August 7, 2017 Board meeting to allow her time to meet TnPAP's requirements. The motion carried.

### **Christine Ann Gokey**

Ms. Christine Ann Gokey was not present for the meeting. Ms. Gokey was requested to appear before the Board to answer and explain concerns regarding her convictions involving a 2012 DUI and several worthless check convictions. Based on the information in Ms. Gokey's massage application, she was requested to contact the Tennessee Professional Assistance Program for an evaluation. The evaluation recommended that Ms. Gokey participate in a twelve (12) month diagnostic monitoring agreement with TnPAP. Ms. Gokey didn't sign and return the monitoring agreement within the time period designated. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross to deny Ms. Gokey's application based upon T.C.A 63-18-108(2)(4). The motion carried.

### **Rebecca J. Meadows**

Ms. Rebecca J. Meadows appeared before the Board to answer and explain concerns regarding her 2006 felony conviction for child neglect. Based on the information in Ms. Meadow's massage application, she was requested to contact the Tennessee Professional Assistance Program for an evaluation. The evaluation recommended that Ms. Meadows participate in an ASAM Level I outpatient service and execute a monitoring agreement. She notified TnPAP that she would not be adhering to the evaluation recommendations and would be requesting to appear before the Board. Based upon Ms. Meadows' decision, TnPAP closed her file. Ms. Meadows stated that she had completed a Level I outpatient program in 2006. Mr. Harkreader stated that the examiner was concerned that Ms. Meadows didn't have a strong recovery support system, because Ms. Meadows still currently consumed alcohol. After a discussion, Ms. Cross made a motion, seconded by Mr. Velker, to grant Ms. Meadows a conditional license upon the Board Administrative Office receiving a letter from TnPAP that Ms. Meadows had signed a monitoring agreement and was adhering to the requirements in the agreement and receiving proof of a signed conditional license agreement with the Board. The motion carried.

### **Jennifer M. Picou, MT**

Ms. Jennifer M. Picou appeared before the Board at the February 6, 2017 to answer and explain concerns regarding her therapist re-instatement application. Ms. Picou was convicted of a 2011 DUI, 2011 Violation of Probation, a second 2011 DUI, and a 2013 Public Intoxication. Based on the information in Ms. Picou's reinstatement application, she was requested to contact the

Tennessee Professional Assistance Program for an evaluation. On December 22, 2016 Ms. Picou provided a specimen for her toxicology screening that was positive for alcohol. She was evaluated on December 30, 2016 and January 7, 2017, and the evaluator recommended that the applicant participate in individual therapy and sign a monitoring agreement. On January 25, 2017, Ms. Picou withdrew her request for service from TnPAP and her file was closed. At the February 6, 2017 meeting, Ms. Picou requested that she be able to participate in individual therapy with a Buddhist based Therapist. Mr. Harkreader, TnPAP Executive Director, provided Ms. Picou with three (3) therapist in Davidson County that work from the Buddhist perspective and Buddhist meetings that were equivalent to 12-Step programs. The Board voted to defer a decision on Ms. Picou's reinstatement application to allow her time to complete therapy and execute a monitoring agreement. Ms. Picou was not present at the meeting nor had signed a monitoring agreement with TnPAP. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray, to proceed with Ms. Picou's application in default. Ms. Cross made motion a motion, seconded by Mr. Velker, to deny Ms. Picou's reinstatement application based upon T.C.A. 63-18-108(2)(4). The motion carried.

### **Shan Paul Massage**

Mr. Shan Mann appeared before the Board to answer and explain concerns regarding his massage establishment application for Shan Paul Massage located at 2500 Mt. Moriah Rd. Building H Suite 260 in Memphis, Tennessee. He was requested to attend the Board meeting based on evidence that the location for which he applied for an establishment license had advertised massage therapy services. Mr. Mann stated that he posted advertisement to his web page and Facebook, but hadn't opened or performed massages in the establishment. After a brief discussion, Ms. Easterly made a motion, seconded by Ms. Burke to approve Mr. Mann's massage establishment application. The motion carried.

### **Terri M. Harris**

Ms. Harris was requested to appear before the Board to answer and explain concerns regarding her multiple misdemeanor and felony criminal convictions involving shoplifting, bad checks, drug trafficking, and violation of probation. Based on the information in Ms. Harris's massage application, she was requested to contact the Tennessee Professional Assistance Program for an evaluation. Ms. Harris never contacted TnPAP for an evaluation. She was not present for the meeting. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke, to proceed with Ms. Harris's application in default. Mr. Velker made a motion, seconded by Ms. Burke to deny Ms. Harris application based upon T.C.A. 63-18-108(2). The motion carried.

### **Donna M. McBride**

Ms. Donna M. McBride appeared before the Board to have her educational documentation reviewed by the Board. Ms. McBride submitted an application for licensure as a massage therapist in Tennessee. Upon review of her file, the administrative office determined that she currently didn't meet the educational requirements for licensure through the initial application process due to being 120 hours short in sciences. The Tennessee Massage Board rules require that the transcript must show 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 in specific areas. Ms. McBride stated that she would continue to practice massage in Tennessee. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray, to deny Ms. McBride's massage therapist application. The Board's decision was based on evidence that your transcript does not meet the Board's requirements for licensure as set out in T.C.A. 63-18-105 and Rule 0870-01-.04(1)(e). The Board's decision was also based on Ms. McBride's statement indicating that she intended to continue to practice massage in Tennessee without a license, which is a violation of T.C.A 63-18-104 and 63-18-108(7). The motion carried.

### **Anson Blake Kemper, MT**

Mr. Anson Blake Kemper was requested to appear do discuss why he had not signed and returned the conditional license agreement that he agreed to at the February 6, 2017 meeting. Mr. Kemper had a 2011/2012 continuing education violation for twenty-five (25) hours that was referred over to the Office of General Counsel. Mr. Kemper's massage license was also active for 12 months during the 2013/2014 cycle before being suspended for a Tennessee Student Assistant Corporation (TSAC) violation on his student loans. Therefore, he was also requested to submit proof of completion of his required twenty five (25) hours of continuing education for the 2013/2014 cycle. Mr. Kemper was unable to show proof of completing any continuing education courses during the 2011/2012 or 2013/2014 cycles due to a financial hardship. At the February 2017, the Board approved a conditional probationary license. Mr. Kemper would be required to complete sixty-two (62) hours of continuing education and pay his civil penalty fines for a total of \$1,550.00 before his license could be reinstated. Once Mr. Kemper completed all required hours and payed all civil penalties, his license would be re-instated and be on probation through his next renewal cycle. As of the June 7, 2017 meeting, Mr. Kemper hadn't signed and returned the conditional license or submitted any make-up hours or money toward his fines. Mr. Kemper was not present for the Board meeting. After a brief discussion, Ms. Burke made a motion, seconded by Ms. Cross to proceed in default. The motion carried. Ms. Cross made a motion, seconded by Ms. Wray to deny Mr. Kemper's re-instatement application. The motion carried.

### **Applicant File Review – Education Concerns**

1. **Schools on Pending California Massage Therapy Council (CAMTC) List –**  
Applicants listed below attended schools that are currently pending for approval or denial on the CAMTC list. Ms. Cross made a motion, seconded by Ms. Burke, to deny all applications based upon the schools not currently being approved by the CAMTC. The motion carried.
  - a. Qingling Sun – Angeles College
  - b. Jing Wang – Angeles College
  - c. Junyou Zhang – Angeles College
  - d. Jackie Z. Zhao – Angeles College
  - e. Jun Liu – Hamilton College
  - f. Chunzhi Yang – University of East West Medicine
  - g. RongYing Hu – University of Western California
  - h. Shuying Li – University of Western California

**2. Schools not present on the CAMTC List** - Applicants listed below attended schools that are currently not listed on the CAMTC's approved, pending, or unapproved list of massage schools. Ms. Burke made a motion, seconded by Ms. Cross, to deny all applications based upon the schools not currently being approved by the CAMTC. The motion carried and MBLEx discrepancies were reported to the Federation of State Massage Boards (FSMTB).

a. Wanzhi Wang – Alhambra Medical University

**3. Schools on the unapproved CAMTC List** - Applicants listed below attended schools that are currently listed on the CAMTC's unapproved list of massage schools. Ms. Cross made a motion, seconded by Ms. Burke, to deny all applications based upon the schools currently being unapproved by the CAMTC. The motion carried and MBLEx discrepancies were reported to the Federation of State Massage Boards (FSMTB).

a. Guanhong Ma – Acupuncture and Massage Institute of America  
b. Shuping Zhou - Santa Ana Beauty College

**4. Schools on the unapproved Tennessee Higher Education Commission (THEC) List** - Applicants listed below attended schools that are currently listed on the THEC's unapproved list of massage schools. Ms. Cross made a motion, seconded by Ms. Wray, to deny all applications based upon the schools currently being unapproved by THEC. The motion carried and MBLEx discrepancies were reported to the Federation of State Massage Boards (FSMTB).

a. Ping Wang – Brightness School of Massage (Hopewell Career Institute)  
b. Shu Ling Yang – Brightness School of Massage

## **5. Additional School Issues**

- a. LiRong Zhang – Applicant attended Golden Razor Academy of Cosmetology in Georgia. The school doesn't mention a massage program on its website and is not recognized by the Georgia Board as an approved Massage School. Ms. Cross made a motion, seconded by Ms. Wray, to deny Ms. Zhang's application. The motion carried.
- b. CaiMei Lou – Applicant attended Hopewell Career Institute in New Jersey, which closed in 2013. The NJ Department of Labor and Workforce Development requested that all school transcript and records be sent to them, but Hopewell didn't provide the requested information when they closed. Ms. Lou's transcript was sent directly from the closed school to the Tennessee Massage Board. The transcript didn't reflect the hour breakdown that the school submitted. Ms. Cross made a motion, seconded by Ms. Wray, to deny Ms. Lou's application. The motion carried.

- c. Junru Xu – Applicant attended Florida Career School of Massage and Bodywork in Florida. The school is currently not listed on the Florida’s approved list of massage schools. Ms. Cross made a motion, seconded by Ms. Burke, to deny Ms. Xu’s application. The motion carried

### **Legislation:**

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

#### **Public Chapter 350**

This will allow healthcare providers to satisfy one hour of continuing education requirements through the performance of one hour of voluntary provision of healthcare services. The maximum amount of annual hours of continuing education that a provider can receive through providing volunteer healthcare services is the lesser of 8 hours or 20% of the provider’s annual continuing education requirement. The legislations allows for rulemaking by the division of health related boards in order to administer this section. This took effect on May 12, 2017.

#### **Public Chapter 215**

This will require state governmental entities that establish or adopt guides to practice to do so through the promulgation of rules, rather than policy. The rules so promulgated must specify all provisions included in and relating to the guide to practice. Any changes to guides to practice made after the guides are adopted must also be promulgated by rule in order to be effective. For purposes of this part, guides to practice includes codes of ethics and other quality standards, but does not include tests, examinations, building codes, safety codes, or drug standards. This legislation took effect on April 28, 2017.

#### **Public Chapter 240**

This legislation was brought by the Department of Health and was designed to address a number of issues throughout all licensing boards, committees, and councils. This legislation will:

- Insure the integrity of licensure examinations by making examination questions, answer sheets, scoring keys, and other examination data confidential and closed to public inspection.
- Allow the issuance of limited licenses to applicants who have been out of clinical practice or inactive, or who are engaged in administrative practice. Limited licenses may be of restricted scope, restricted duration, and have additional conditions placed upon them in order to obtain full licensure.
- Clarify that other documents prepared by or on behalf of the Department with regard to an investigation are confidential until such time as formal disciplinary charges are filed against the provider.
- Eliminate the “locality rule” for administrative law.
- Require the chief administrative official for each health care facility to report within 60 days any disciplinary action taken against an employee for matters related to ethics,

incompetence or negligence, moral turpitude, or substance abuse, to the employee's respective licensing board. All records pertaining to the disciplinary action shall be made available for examination to the licensing board.

This act became effective on May 2, 2017.

### **Public Chapter 481**

This legislation creates a new violation of a healthcare practitioner's practice act if that practitioner refuses to submit to or tests positive for any drug the practitioner does not have a lawful prescription for or a valid medical reason for using the drug. It is the duty of the employer to report any violation to the Department of Health. If the practitioner fails a drug test, the practitioner has 3 business days to either produce the requisite prescription or medical reason, or report to their board approved peer assistance program. If the practitioner does not comply with any of these measures, it is the duty of the employer to report this violation of the practice act to the employee's licensing board for investigation and action. If the practitioner reports to the peer assistance program and obtains and maintains advocacy of the program, the employer is not required to notify the board.

As long as a practitioner obtains, maintains and complies with the terms of a peer assistance program, the board shall not take action on the licensee for the sole reason of a failed or refused drug test. If a practitioner fails to obtain or maintain advocacy from the peer assistance program, the program is required to report that information to the appropriate licensing board. The board SHALL suspend the license of a practitioner who fails to comply with the terms of the program. Employer drug testing must be compliant with the Drug-free Workplace requirements. This legislation allows a quality improvement committee to share information regarding substance abuse by a practitioner with other quality improvement committees. Additionally, this legislation specifies that the Department of Health is not required to obtain prior approval from the Attorney General in order to take any emergency action on a licensee. This legislation will take effect on July 1, 2017.

### **Public Chapter 230**

This legislation authorizes commissioners or supervising officials of departments to evaluate certain actions by a regulatory board to determine whether the action may constitute a potentially unreasonable restraint of trade. Supervising officials must ensure that the actions of regulatory boards that displace competition are consistent with a clearly articulated state policy. If a board action constitutes a potentially unreasonable restraint of free trade, the supervising official must conduct a further review of the action and either approve, remand or veto the action. The supervising official may not be licensed by, participate in, or have a financial interest in the occupation, business or trade regulated by the board who is subject to further review, nor be a voting or ex officio member of the board. The supervising official must provide written notice of any vetoed actions to the senate and house government operations committees.

Prior to filing a regulatory board's rule with the secretary of state, the commissioner or chief executive officer of the administrative department under which a regulatory board operates or to which a regulatory board is administratively attached, or a designee to the extent a conflict of interest may exist with respect to the commissioner or chief executive officer, must remand a rule

that may constitute a potentially unreasonable restraint of trade to the regulatory board for additional information, further proceedings, or modification, if the rule is not consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board. This act took effect on April 24, 2017.

### **Continuing Education Course Approval**

Mr. Scott Ingell, LMT was requested to appear before the Board to discuss his request for his company, Focus For Massage, to be a Tennessee Law and Ethics approved provider. Mr. Ingell's massage license was disciplined for a 2009/2010 continuing education violation, which included the two hour (2) Tennessee Law class. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Easterly, to approve Mr. Ingell's request to be approved as a Tennessee Law and Ethics provider. The motion carried.

### **TnPAP Substance Abuse Course**

At the October 2016, Ms. Maj-Lis Nash submitted a letter requesting that the Board approve the two (2) hour TnPAP video for continuing education credit under the category of substance abuse. Ms. Nash expressed how she felt that the video could be a beneficial resource for therapist that might personally be dealing with substance abuse and to educate therapist that might be convicted of criminal offense related to alcohol or drug charges. The Board suggested that Ms. Nash work with TnPAP on getting the course approved pursuant to the Board's Continuing Education Rules. Ms. Eaton, TnPAP administrative Director, requested that the continuing education \$100.00 provider fee be waived, since the Board would be paying the provider fee. Upon discussion, Dr. Bolden requested that the discussion be deferred to allow the Board an opportunity to review programs and classes offered on TnPAP's website regarding substance abuse.

The Board adjourned at 4:14 pm.

**These minutes were approved at the August 7 – 8, 2017 board meeting.**