

Minutes
Tennessee Massage Licensure Board
February 8, 2021

To watch or listen to this meeting online, please click on the link below:

<https://web.nowuseeit.tn.gov/Mediasite/Catalog/Full/98fe21d561e9489487745f0c7da678b221>

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

Members Present: Marvis Burke, LMT, Chairperson
Dee Vickers, LMT
Ed Bolden, LMT
Bill Mullins, LMT
Virginia P. Yarbrough, LMT
Michael Velker, Public Member

Staff Present: Kimberly Hodge, Board Manager
Noranda French, Unit 2 Director
Marc Guilford, Office of General Counsel

Ms. French went over the requirements for an electronic meeting and conducted a roll call to establish that all Board members could hear and communicate with each other. A motion was made by Mr. Mullins, seconded by Mr. Velker, to conduct the meeting electronically by WebEx. A roll call vote was conducted by Ms. French and the motion carried. Ms. French established and confirmed that each Board member had access to the documents in advance for the Board meeting.

The meeting was called to order at 9:09 a.m. by Ms. Marvis Burke, Chairperson. Ms. Burke acknowledged and thanked the therapists, schools, students, and members of the public joining the meeting by WebEx. Ms. Burke stated that for members of the public who wished to speak at the meeting, they should use chat box WebEx function so that Ms. Burke could call on them after the appropriate agenda item. Ms. Burke stated that the reason the Board exists is to protect the health, welfare, and safety of the people of Tennessee. Ms. Kimberly Hodge conducted a roll call to establish a quorum. A quorum was established.

Receive, discuss, and/or update Board on new business in administrative office – Time: (0:15:11)

Introduction of new HRB Director, George Darden, and General Counsel, Grant Mullins for Tennessee Department of Health – Time: (0:15:24)

Ms. Kimberly Hodge introduced Mr. George Darden, new Director of Health-Related Boards. Mr. Darden stated that he came to HRB from Health and Human Services, Family Assistance and Child Support Division after close to seventeen years. Mr. Darden thanked the Board for the work that they have done and continue to do and expressed that his door is always open if he is needed.

CE Registry and CE Broker – Time: (0:16:43)

Ms. Hodge stated that CE Registry is available to providers to have CE courses vetted and approved, and CE Broker is available for licensees to store their continuing education certificates.

School Meeting (Thursday, April 1, 2021) – Time: (0:18:00)

Ms. Hodge stated that the School Meeting will take place on Thursday, April 1, 2021, and that invitations will be sent out to the schools during the month of March 2021. Ms. Hodge stated that this optional meeting will be an opportunity for the schools to discuss and ask questions of the Administrative office and have time to share information amongst each other. Ms. Hodge asked that the schools check the public website to make sure their contact information is correct so that there will be no delay in getting the invitations to them.

CBC Policy – Time: (0:19:55)

Ms. Hodge stated that at the previous Board meeting, several schools had expressed a desire to have the criminal background check validity policy extended to 1 year from the current 6-month timeframe. Ms. Hodge stated that after consultation with HRB management, it was discovered that the TBI had recommended the 6-month timeframe and based upon the recommendation HRB had created an internal policy that criminal background checks were only valid 6 months after receipt. Ms. Hodge stated that the existing 6-month policy will continue.

Update on Government Operations Self-Sufficiency Hearing – Time: (0:20:55)

Ms. Hodge stated that due to the current COVID 19 pandemic, there was very little access to this hearing, and that Ms. French, Ms. Hodge, and Mr. Guilford were only able to watch the proceedings, but didn't participate directly at the hearing.

Ms. French stated that on January 25, 2021, the Department of Health was invited to appear before the Tennessee Legislature Government Operations and provide reason for why the Massage Board had closed in the red for the past two years. Ms. French stated that this is a routine meeting required of all boards that close in the red for two years in a row. Ms. French was able to provide Ms.

Alisha Grice, who was present at the Government Operations meeting, the proposal that the Board had formulated at its February 2020 meeting. The Government Operations heard the proposal and the Board's current financial status, and had their questions answered by Ms. Grice, Ms. Jennifer Putnam, and Ms. Alexa Witcher. Ms. French stated that the Government Operations committee is allowing the Board to move on without recommendation at this time, since the fee restructuring is not yet in place.

Ms. French stated that the Board is currently scheduled to Sunset on June 30, 2022. Ms. French stated that as is customary for all boards scheduled for Sunset, to come before the Government Operations committee again prior to that date. Ms. French felt that the administrative office is in a good position to answer the expected questions at that time.

Mr. Guilford stated that there was no currently submitted legislation affecting massage at that time. He stated that he will keep the Board updated on any changes or proposed legislation. Mr. Guilford reminded the Board that they may choose to make their view known on any piece of legislation, but that the Board was not able to advocate in any way for the massage profession. He stated that the professional organizations were able to do that, and that massage professionals may wish to keep in touch with those organizations for information on legislation affecting their profession.

There was no public comment on this topic.

School Transcript Policy – Time: (0:27:33)

Ms. Hodge stated that the Administrative Office is currently requiring all schools to provide a letter or clarification on the transcripts which educational hours were completed online and which were completed in face-to-face classroom settings. This is connected to the Board's Distance Learning Policy, which the Board updated at the May 2020 meeting, and is currently posted on the Board's public website.

Ms. Hodge called the Board's attention to the third paragraph of the policy, which states:

“The Board encourages massage schools to structure their massage curricula to ensure that students are completing any online coursework and obtaining the required contact hours, and to keep careful records to show which coursework was completed in an online or distance learning formats. The Board expects that such records will be produced to the Board administrative office as requested.”

Ms. Hodge stated that the Board administrative office is requesting this information at this time. Ms. Hodge also stated that this Policy was posted on the Board's public website within a few days of the May 2020 meeting.

There were no requests for public comment on this topic.

Approve the minutes from the November 9 and 10, 2020 Board Meetings – Time: (0:31:05)

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the minutes from the November 9 and 10, 2020 Board meeting as written. A roll call vote was conducted by Ms. Hodge. The motion carried.

Receive reports and/or requests from the Board Director/Manager – Time: (0:32:30)

Administrator/Director’s Report – Time: (0:32:38)

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

STATISTICAL REPORT

As of February 3, 2021, there were 4,453 licensed massage therapists and 1,624 licensed massage establishments. Following is the license status since the last meeting:

THERAPISTS

November 2020

Newly Licensed –37

Reinstate Applications–10

Retired-11

New Applications-25

ESTABLISHMENTS

November 2020

Newly Licensed –11

Reactivation Applications–4

Retired –4

New Applications-11

Address/ Responsible Person Change Application-5

THERAPISTS

December 2020

Newly Licensed –12

Reinstate Applications–8

Retired-22

New Applications-26

ESTABLISHMENTS

December 2020

Newly Licensed –18

Reactivation Applications–3

Retired –12

New Applications-15

Address/ Responsible Person Change Application-7

THERAPISTS

January 2021

Newly Licensed –56

Reinstate Applications –16

Retired-22

New Applications-39

ESTABLISHMENTS

January 2021

Newly Licensed –14

Reactivation Applications –4

Retired –6

New Applications-14

Address /Responsible Person Change Application-3

In January, 104 licensees renewed their licenses via the website for a usage rate of 69%.

Investigation/Disciplinary Reports – Time: (0:34:43)

This report was brought by Ms. Lori Leonard of the Disciplinary Coordinator’s Office.

From December 2019 to December 2020, the Office of Investigations opened 79 new complaints for massage therapists. Of those complaints, 13 were for sexual misconduct; 1 for action in another state; 2 for criminal charges; 1 for malpractice/negligence; 7 for unlicensed practice; 17 for unprofessional conduct; 2 for lapsed license; 1 for criminal conviction; 1 for mental and/or physical impairment; 29 for continuing education violation; 2 were outside of the investigative scope; and 1 for COVID 19 violations.

During the same time, Investigations closed 54 complaints for massage therapists. Of those complaints, 4 were closed for insufficient evidence; 20 were closed and sent to the Office of General Counsel for official discipline; 15 closed with no action; 4 closed with a letter of concern; and 11 closed with a letter of warning. As of December 2020, there were 52 open complaints for massage therapists.

During January 2021, Investigations opened 4 new complaints for massage therapists, and closed no complaints, bringing the currently open complaints to 52. Of the newly opened complaints, 1 was for sexual misconduct; 1 for unlicensed practice; 1 for unprofessional conduct; and 1 for continuing education violation.

From December 2019 to December 2020, the Office of Investigations opened 26 complaints for massage establishments. Of those complaints, 3 were for sexual misconduct; 6 for unlicensed practice; 11 for unprofessional conduct; 3 for lapsed license; and 3 were outside of the investigative scope.

During the same time, Investigations closed 41 complaints for massage establishments. Of those complaints, 10 were closed for insufficient evidence; 4 closed and sent to the Office of General Counsel for official discipline; 18 closed with no action; 3 closed with a letter of concern; and 6 closed with a letter of warning. As of December 2020, there were 29 open complaints for massage establishments.

During January 2021, Investigations opened 3 new complaints for massage establishments, and closed no complaints, bringing the currently open complaints to 29. Of the newly open complaints, 1 was for sexual misconduct and 2 for unlicensed practice.

As of January 29, 2021, the Disciplinary Coordinator’s Office was monitoring 21 massage therapists under reprimand; 61 under probation; 37 under suspension; 21 under

revocation/voluntary surrender. Ms. Leonard stated that 3 massage therapists were listed under monitoring for child support violations, but that she had closed those files because the licenses had expired, and put a note in the files that they would need to deal with this discipline before reinstating.

As of January 29, 2021, the Disciplinary Coordinator's Office was monitoring 28 massage establishments under discipline.

The Board had no questions for Ms. Leonard about this report.

Financial Report – Time: (0:42:22)

This report was brought by Ms. Alicia Grice. Ms. Grice presented the mid-year report from July 1st to December 31st, 2020, which were the first 6 months of FY 2021, with projections for the rest of the fiscal year. For the first half of FY 2021, the Board's total revenue was \$381,570.87. Total expenditures during this time came to \$221,737.29. Current year net was \$159,833.58. Cumulative carryover was \$822,690.69. Ms. Grice's projections for the remainder of 2021 show the Board closing with \$763,141.75 in revenue, \$443,474.59 in total expenditures, and net of \$319,667.16.

Ms. Grice stated that despite the estimates showing that the Board should close in the black for FY 2021, she expected that it would in fact close in the red. She stated that this was due to the legal and investigations costs, which were expected to increase significantly during the last 6 months of the financial year. Ms. Grice also included fiscal reports for the past three years for comparison. Ms. Grice stated that unless fee increases go into effect this financial year, there should be no concern about having too much surplus.

In response to questions from the Board, Ms. Grice stated that by law, the Board is required to not have expenditures exceed income for each fiscal year. If that does not happen, the Board is considered closing in the red, regardless of any accumulated surplus funds. She also explained her estimation process for the proposed fee changes.

In response to more questions from the Board, Mr. Guilford stated that his office is on track to present the fee structure changes at the Board's May 2021 meeting, and at that time the Board will have the opportunity to adjust those fees. Mr. Guilford also stated that he expected more cases to be brought through his office going forward, since there had been a slowdown during 2020 due to the pandemic. Mr. Guilford stated that currently his office had about 100 cases that they were working on for the Board.

There was a public question on this topic. On behalf of the public, Ms. Hodge asked Ms. Grice if there was a recommended carryover target for the Board. Ms. Grice stated that the policy is to try to keep the carryover balance below two times the three-year average.

Continuing Education Audit Report

There was no continuing education audit report at this meeting.

Discuss Legislation

There was no legislation discussed at this meeting.

Tennessee Professional Assistance Program Statistical Report regarding the Peer Assistance Program – Time: (1:10:34)

This report was brought by Ms. Teresa Phillips from TNPAP. From July 1, 2020 to December 31, 2020, TNPAP was monitoring 2 massage therapists, one of which was not referred by the Board administrative office. TNPAP received 2 referrals from the Board office during this time, one for arrest history and one for mental health. No agreements were activated during this time. Three massage therapists were discharged during this time. Of those three, one completed their agreement; one declined evaluation; and one was evaluated, and no monitoring was recommended. No massage establishment owners were monitored, referred, or discharged during this time.

The Board had no questions for Ms. Phillips about this report. There were no public comments for this topic.

Ratify Agreed Citations for Continuing Education Violations and Lapsed Licenses – Time: (1:13:15)

Jazity Cane'Shae Davis, LMT #9361

Ms. Davis agreed to pay civil penalties totaling \$250.00 for failing to obtain four (4) hours of continuing education for the cycle of 2011/2012.

Tyrus Arthur, LMT #3142

Mr. Arthur agreed to pay civil penalties totaling \$100.00 for practicing massage on a lapsed license for four (4) months.

Mona Lisa Kutsoati, LMT #9930

Ms. Kutsoati agreed to pay civil penalties totaling \$200.00 for practicing massage on a lapsed license for five (5) months.

Osho, LLC, ME #4536

The owner of Osho, LLC agreed to pay civil penalties totaling \$200.00 for operating a massage establishment on a lapsed license.

Cara Winget, LMT 12844

Ms. Winget agreed to pay civil penalties totaling \$100.00 for practicing massage on a lapsed license for four (4) months.

A motion was made by Dr. Bolden, seconded by Ms. Vickers, to ratify the Agreed Citations for continuing education violations and lapsed licenses. A roll call vote was conducted by Ms. Hodge. The motion carried.

Ratifications – Time: (1:14:19)

New Licenses

Massage Therapists

Abuali Ashraf	Hamm Megan Danielle
Alumbaugh Tammy Rae	Han Xioajing
Apley Tifanie Charise	Hargrove Eric Christian
Beckman Natalie Ann	Harris Samantha Diana
Benge Sonya Acres	Horrell Augustus William III
Blansett Madison Alayna	Ingram Pamela Robbins
Boles Charli Anne	Jackson Myranda Nicole
Brashier Christina Diane	Johnson Justin Brain
Brogdon Tiffany Nichole	Kennedy Stephanie Bailey
Brown Tiffany Jean	Lassiter Ashley Ann
Burns Jennifer Ann	Ledford Heather Dawn
Burton Chris Ray	Long Brenda Lee
Campbell Staley Jackson	Massey Niegel Lynn
Chailland Tabitha Lynn	Mccamey Constance Yvonne
Chen Huiqin	Mccroskey Katherine Inabinet
Cloutier James Alan	Mcgill Christine Marie
Copas Rebekah Faith	Mckinney Ashlyn Nicole

Dabbs Lindsay Leanne	Mills Noel G
Davidson Catherina	Neis Angela Chrishona
Dean Abigail Christine	Nelson Melishia Monee
Demoville Ryan David	O'Reilly Edward Harold
Ducker Zachary Scott	Odell Stacy Kerstin
Dukes Alexandria Berlin	Pardue Julianna
Duyndam Jeffrey Thurs	Patton Anna Lovelace
Edmundson William Thomas	Paulsen Corinne Elyse
Fendley Emily Michelle	Peace Kelsey Lee
Freedman Rebekah Batyah	Peng Meiling
Gantenbein Sarah Diane	Rankin Shirley Jean
Gao Yang	Rogers Richard Graham
Greenhut Brooke Charlie	Roy Dawn Marie
Guzman Temistoclez Daniel	Rozell Kailey Arianne
Hale Susan K	Saban Rebecca Sue
Hall Karen Elizabeth	Sawyer Nicholas Keith
Hamblin Angela Jill	Scarpelli Tiffany Ann

Short Michelle Le
Stoutt Shaquila Armone
Thomas Amaiya Alexis
Thomas Taylor Virginia
Valdez Mary Kimberly
Vittetoe Amy Nicole
Votava Leah Susan
Wang Guanshu
Webb Cassie Lynn
Welch Jessica Jamie
Wright Ariel Casandra Marie
Xiong Qingyuan

Massage Establishments

A Peaceful Escape Massage	Mt Juliet Massage Center
A Time To Heal	Music City Massage Suites
Ashley Lassiter Lmt	My Sister'S Bliss Llc
Asian Foot Massage Studio	New You Skin Care
Auberson Massage & Bodywork	Panacea Massage Therapy Llc
Blackberry Mountain Club Llc	Q-Essentials Medical Spa Pllc

Charlene J. Caston L. M. T.	Revitalize Your Roots
Elementals Massage Llc	Rise Therapeutic Massage And Bodywork
Emily Fendley Lmt	S Massage Studio
Everybody Massage	Sara Leathers Lmt
Friendly Day Spa Inc.	Sharp Cuts
Jenni Hill Massage	Specialist Of Therapeutic Massage
Kj'S Hands Of Relaxation	Tension Prevention & Bodywork
Li Tong Therapy Llc DbA Lily Massage	The Beauty Lounge
Li Tong Therapy Llc DbA Lily Massage	Three Of Hearts Llc
Lucky Massage Inc	Monroe Massage Therapy
Massage Knox By Shannon Cox	
Massage Of Nashville	
Massage Therapy	
Midtown Massage And Bodywork	
Monarch Massage	

Reinstatements

Massage Therapists

Alexander Latoya Lashay
Bowers Julya Jolene
Evans Sara Cathryn
Farris Lindsay Erin
Guy Magi Leigh
Harmon Joanne Elizabeth
Hatchett Michael T.K.
Hendrickson David Michael
Henriques Christina Nichole
Howard Jordan Ross
Kinnett Stanley Clyde
Kutsoati Mona Lisa
Lumphrey Tonya Joy
Melson T'Onnie Shanay
Mueller Karina Allison
Neidhardt Darcy Kay MS
Owen Crystal West
Plested Beverly Ann
Reid Jessica Suzanne
Richardson Kimberly Morgan

Rufener Danielle Marie
Spriggs Gretchen Nicole
Teufel Kathy Denise
White Catherine Hillman
Williams Scott Adam

Massage Establishments.

Graceworks Therapeutic Massage
Gretels Garden Llc
Osho Llc
Pamela Gilmore Massage
Radix Wellness Llc Dba Sundara Wellness Center
Reneaux Day Spa And Salon
Tyrus Arthur Lmt
Unearth The Power

A motion was made by Dr. Bolden, seconded by Mr. Mullins, to ratify all new licenses and reinstatements. A roll call vote was conducted by Ms. Hodge. The motion carried.

Ratify, discuss, and approve/deny continuing education courses – Time: (1:15:30)

Vicki Sutherland, LMT – Tennessee Law – Massage Statutes (Live/Webinar)

Shakira A. Baly, LMT – Tennessee Massage Law – Massage Therapy

Amanda Parker, LMT – Tennessee Statutes and Rules Concerning Massage Therapist and Establishments

Paula Anderson – Entrepreneurship 101

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to ratify the continuing education courses. A roll call vote was conducted by Ms. Hodge. The motion carried.

Review Board Correspondence(s) if needed

There were no Board correspondence presented at this meeting.

Applicant Interviews

Ms. Burke introduced the Mandarin translator, Ms. Jiao Hoggard, and established that she could communicate with the applicants who needed her translation services for the meeting.

**Daily Spa DW Inc. dba Phoenix Foot Spa – Zhigang Wang & Attorney – Vivian Wang-
Time: (01:17:16**

Mr. Zhigang Wang is applying for licensure at 3441 Lebanon Pike Ste 105, Hermitage TN 37076. He is applying to Reactivate Establishment license (# 5302) which was retired in September 2020. Mr. Wang is being represented by Vivian Wang of Vivian Wang Law Group, Nashville TN. Mr. Wang listed a Massage Therapist on his application whose license was currently expired and had also provided a copy of a license for the therapist, Ms. XiaoLin Li, that appears to be fraudulent as the expiration date has been changed. The home address for Ms. Li is also listed as the Establishment address on the application. The address for this current Establishment application, as well as Mr. Wang's formerly owned Establishment Daily Spa DW dba Daily Spa (ME 5302) at 156 N Belvedere Dr, Gallatin TN has been brought before the Board several times and by multiple applicants. Ms. Li has also been listed as a Therapist on the applications for some of the same Establishments including Mr. Wang's Gallatin location. During the interview with Mr. Wang and the Board Members, Mr. Wang stated that he retired and closed his former location at 156 Belvedere in Gallatin TN due to operation expenses after selling it to Ms. Li Wang. Now that the pandemic is in a better state, he wishes to re-open at a new location. When asked about Ms. XiaoLin Li, Mr. Wang stated that she did not live at the store, only asked to list the Establishment address in order to receive mail there. Ms. Li provided Mr. Wang the copy of her license to submit with his application for licensure, and he did not verify her license beforehand either on the public website nor by contacting the Massage Board office. At the conclusion of the interview, Mr. Mullins made a motion to deny the application, which was seconded by Dr. Bolden. A roll call vote was taken, and the motion passed.

Hong Peng Shi – Time: (2:20:08)

Ms. Shi applied for a massage therapist license on December 23, 2020 and was present at this meeting. In her application, Ms. Shi stated that she was already practicing massage without a license at Cathay Spa at 6231 Perimeter Drive, Chattanooga, TN 37421. At that time, Ms. Shi stated that she had been practicing massage at this establishment since October 2020. There is a current massage establishment license #3821 for Cathay Spa at this address. Xiumei Shi is listed as the owner of this massage establishment license and is also the person Ms. Shi listed as her employer. Ms. Xiumei Shi, LMT also wrote one of Ms. HongPeng Shi's letters of recommendation, dated 1/4/2021, which indicates that Ms. HongPeng Shi has been practicing massage at Cathay Spa. Ms. HongPeng Shi's other letter of recommendation from Hong Zong Wang, LMT also states that Ms. HongPeng Shi is practicing massage at Cathay Spa. The Board heard from Ms. Shi, Mr. Guilford, and Ms. Hodge. After much discussion, a motion was made by

Mr. Velker, seconded by Mr. Mullins, to approve Ms. Shi's application for a massage therapist license. A roll call vote was conducted by Ms. Hodge. The motion carried.

Grand Mountain Foot Spa- Donghai Liu, LMT & Attorney- Vivian Wang- Time: (02:44:50)

Mr. Donghai Liu is a licensed Massage Therapist (12819) that is applying for Establishment license of Grand Mountain Foot Spa at 940 Parkway, Sevierville, TN. Mr. Lui has no previous discipline on his Therapist license, but has been denied Establishment license for Kozy Massage at 2720 Old Lebanon Pike, Nashville TN in August 2020. Please see minutes and denial letter for cause of Board's decision. Mr. Liu was present at the meeting and represented by his attorney, Vivian Wang. During the interview Mr. Lui was asked about the letter of recommendation in his previous application for Kozy Massage that was written by a massage client. The client, Mr. Bryan Johnson, stated in the letter that Mr. Lui gave him massages regularly at Mr. Lui's previous place of employment. Mr. Lui states that he only gave Mr. Johnson massages at the client's home when there for dinner, and never charged Mr. Johnson for the massages. Records from the August 2020 meeting recalled that Mr. Lui first stated that he did not know Mr. Johnson, and later that he had only given Mr. Johnson private massages. Concerns over the truthfulness of Mr. Lui was raised by Board Members during discussion of the application. A motion to deny the application based on fraudulent representation was made by Mr. Mullins and seconded by Ms. Yarbrough. A roll-call vote was held, and the motion carried.

Rainbow Spa, LLC- HuiDong Tian- Time: (03:33:56)

Ms. Tian is a Licensed Massage Therapist (#11589) that is applying for Establishment license of Rainbow Spa LLC at 2400 Madison St, Ste 9, Clarksville TN. There is no discipline on her Therapist license. The current Establishment license at this address is held by Ms. Shujuan Wang and was granted after coming before the Massage Board in August 2020. Ms. Tian previously applied with Ms. Chunhua Dickey at this address under the name "Spa Yang Sheng Tang" and was denied after being brought before the Board for advertising and operating without an Establishment license in May 2019. During the meeting Ms. Tian denied working as a licensed therapist at the unlicensed establishment, but evidence was introduced that showed Ms. Tian was offering massage. Ms. Dickey then applied again for the establishment license in August 2019 and listed Ms. Tian as an employee instead of an owner. The Board denied the license again.

Ms. Tian was not present for at this meeting. A motion was made by Dr. Bolden to defer to the May 2021 Board Meeting which was seconded by Ms. Yarbrough. A roll-call vote was held, and the motion passed.

Sunshine Massage, LLC- Brian Hughes- Time: (03:40:00)

Mr. Brian Hughes is applying for an Establishment license for Sunshine Massage LLC at 1800 Carothers Blvd, Ste 6, Brentwood TN. Mr. Hughes has previous criminal convictions most of which have been dismissed or satisfied, and some which we are still awaiting the final disposition.

Mr. Hughes listed Ms. XiaoLin Li (#9009) and Ms. Yuanjie Yang (#11094) as Massage Therapist on the application. Ms. Li's license expired May 30, 2019 and the license submitted with the application appears to be fraudulent as the expiration date has been changed. The certificate number is the same as the license that was issued to Ms. Li when she renewed her license in March 2017. Ms. Yang was also the previous owner of this location for which the license (#4721) was revoked in February 2020 for allowing unlicensed therapist to practice massage. Ms. Li also worked for Ms. Yang when she held the license at the location. Ms. Yang's Therapist license is currently on probation due to discipline from her Establishment licenses. Advertisements show that the massage is being offered at the address presently. Mr. Hughes was present at the meeting and stated that he was unaware until today that Ms. Li's license was expired, and she will no longer be working at the Establishment. His relationship with Ms. Yang is that they have been friends for several years. Mr. Hughes stated that he was aware of Ms. Yang's discipline on her Therapist license but had no knowledge of the Establishment operating presently or since his application was submitted. The business was found to be open and operating by law enforcement since the application was submitted by Mr. Hughes. Mr. Hughes requested to be allowed to withdraw his application due to the discrepancies on application; the dishonesty provided to him by Ms. Yang and Ms. Li; and due to needing to obtain a different location for the Establishment. After further discussion, Mr. Velker made a motion to allow Mr. Hughes to withdraw the application and the motion was seconded by Mr. Mullins. A roll-call vote was held, and the motion carried.

Kayla Breonna Longmire – TnPAP – Time: (4:24:56)

Ms. Longmire applied for a massage therapist license and was present at this meeting. Ms. Longmire was invited to the August 11, 2020 Board meeting due to her criminal charges, and her written explanation of those charges. Ms. Longmire did not appear at that Board meeting. The Board chose to defer her application to the November 9, 2020 Board meeting to allow Ms. Longmire additional time to contact TnPAP for their assistance. Ms. Longmire attended that meeting but had not arranged for a TnPAP evaluation. The Board chose to defer her application to the February 2021 Board meeting to allow Ms. Longmire additional time to receive a TnPAP evaluation. TnPAP has submitted to the Board a narrative of their experience with attempting to get Ms. Longmire an evaluation. TnPAP evaluator Dr. Kulenovic repeatedly rescheduled appointments with Ms. Longmire, trying to find a date and time that Ms. Longmire would appear for an evaluation. Dr. Kulenovic had told Ms. Longmire that she must complete all other requirements, including a toxicology screen, before her evaluation appointment. Ms. Longmire's first toxicology screen specimen was invalid, and according to the Medical Review Officer, was "highly suggestive of an adulterated or substituted specimen". After Ms. Longmire failed to respond to several attempts to reschedule the toxicology screen, and no response to other attempts at contact by TnPAP, Ms. Longmire's TnPAP file was closed on 12/28/2020. Ms. Longmire was sent a letter by TnPAP informing her that per TnPAP policy, she can request TnPAP services again in six (6) months. The Board heard from Ms. Longmire, Ms. Hodge, Ms. Teresa Phillips with TnPAP, and Mr. Guilford. After much discussion, a motion was made by Mr. Mullins to deny Ms.

Longmire's application for a massage therapist license based on Ms. Longmire not complying with the TnPAP evaluation per the Board's previous instructions. His motion didn't include directing TnPAP to resume working with Ms. Longmire earlier than the 6-month waiting period. After much further discussion, Mr. Mullins re-stated his motion, seconded by Dr. Bolden and Ms. Yarbrough, to deny Ms. Longmire's application for licensure as a massage therapist due to Ms. Longmire not receiving an evaluation and advocacy from TnPAP, and allowing TnPAP to continue working with Ms. Longmire before the end of the six month waiting period. A roll call vote was conducted by Ms. Hodge, and the motion carried.

The Board took a short break for lunch. When the Board reconvened, a roll call was conducted by Ms. Hodge to re-establish a quorum. A quorum was established.

Chondra Latrice Bradshaw, MT – Time: (6:01:50)

Ms. Chondra Latrice Bradshaw applied to reinstate her massage therapist license, which expired on February 28, 2019, and was present at this meeting. According to Facebook advertisements and reviews, Ms. Bradshaw has been practicing massage on a lapsed license at an unlicensed massage establishment, Recovery Health Day Spa Inc at 969 Peabody Avenue, Memphis, TN 38104, from at least June 2019, although the reviews for the establishment go back as far as 2017. There was a video dated June 27, 2019 posted on the establishment's Facebook page that stated she "got some clients today". It also advertised that Ms. Bradshaw would be offering massage at the establishment on Saturday, June 29, 2019, and that she was looking to hire other massage therapists. The Board heard from Ms. Bradshaw, Ms. Hodge, and Mr. Guilford. After much discussion, a motion was made by Mr. Mullins to approve reinstating Ms. Bradshaw's massage therapist license, conditional upon paying within six months of this meeting a fine of \$2,500.00 for practicing massage on a lapsed license since at least June 2019. Mr. Mullins' motion was seconded by Mr. Velker after adding a friendly amendment that Ms. Bradshaw also show proof of completing the required continuing education hours for the cycle of 2017/2018 during those six months. A roll call vote was conducted by Ms. Hodge. The motion carried.

Soothing Hands Therapeutic Massage- Teresa Phillips, LMT- Time: (06:53:47)

Ms. Teresa Phillips (LMT 11787) is applying for a Massage Establishment license for Soothing Hands Therapeutic Massage at 129 W. Rhea Avenue, Spring City TN. Ms. Phillips has been licensed since 11/17/2016 and has no prior discipline on her license. Ms. Phillips applied for the Establishment license with a statement that she has been operating and practicing massage in the unlicensed establishment for 2 years and 1 month. Ms. Phillips has also listed Ms. Rebekah Walker (LMT 12821) as a Therapist working in the Establishment. Ms. Phillips was present at the meeting and stated that she did not understand what the Establishment license was until she took the 2-hour law class with Ed Bolden. She was under the impression that her business license was sufficient to operate an Establishment. Ms. Phillips stated that she closed the Establishment for Covid-19 in March -June 2020. After some discussion, a motion was made by Mr. Velker to approve a

Conditional license of \$2500 paid within six months and was seconded by Dr. Bolden. A roll-call vote was held, and the motion passed.

Equipose Massage Works- Kayla Russo, LMT- Time: (07:13:48)

Ms. Kayla Russo (LMT 11569) is applying for an Establishment license at 7600 Kingston Pike #1550, Suite 23, Knoxville TN 37919. Ms. Russo has been invited to a Board interview when advertisements online showed that the Establishment is open and offering massage services prior to approval of the application. Facebook posts found on 12/4/2020, including a review for service on 12/2/2020 were deleted after she was required to provide an explanation for opening. Ms. Russo initially never admitted to opening, but rather to selling gift cards and showing the facility. Ms. Russo subsequently stated in writing that she only performed massage in the Establishment on November 30 and December 2, 2020. Ms. Russo stated she opened her Establishment prior to the application not aware that she needed to wait until approved. She did cease advertising for Equipose after contacting the Board office and then began seeing her clients at another suite at the address that holds a current establishment license. A motion was made by Dr. Bolden to approve the license and seconded by Mr. Velker. A roll call vote was held, and the motion passed.

Of the Earth, PLLC- Kailey Beetley, LMT- Time: (07:27:13)

Ms. Beetley is a Massage Therapist (LMT #12747) and is applying for Reactivation of Massage Establishment license (ME #5223) at 7045 Maynardville Pike, Knoxville, TN 37918. Ms. Beetley was invited for an interview with the Board after review of her application showed that the Establishment was open and operating for about ½ month prior to submission of the application. Ms. Beetley also continued to operate before her file was complete and approved. In her explanation of why the Establishment was open prior to application, Ms. Beetley stated that she applied in August 2020 and opened on September 18, 2020. The application was received by the Massage Board office on September 30, 2020 and the first correspondence was sent to her on October 2, 2020. Ms. Beetley was present and informed the Board that she operated under the assumption that as long as she submitted the application that the Establishment was able to operate. Ms. Beetley states that she operated from September 18, 2020 to December 4, 2020. A motion was made by Mr. Velker to approve and seconded by Ms. Vickers. A roll-call vote was held, and the motion passed.

Following the last interview, Mr. Guilford asked the members if they would like going forward to continue to bring applicants before the Board or for the Administrative Office to license in the case of short-term operation without an Establishment with an agreed citation issued. After some discussion, it was decided to continue to follow the current policies in place.

Receive report and/or requests from the Office of General Counsel- Time: (07:47:19)

Contested Cases: None were presented.

Consent Orders:

Christina Mobley, LMT #9327 – Time: (07:49:46)

Ms. Mobley was audited for 2015-2016 CE Cycle and she submitted 14 hours and was deficient 11 hours. The proposed order is for the license to be on probation until fines of \$550.00 and costs are paid, and 17 CE hours have been completed. Mr. Guilford noted that Ms. Mobley had paid the fines and costs and had submitted proof of completing the hours for 2015-2016 CE cycle and for the 2019-2020 CE cycle. A motion to accept the order was made by Mr. Velker and seconded by Mr. Bolden. A roll-call vote was held, and the motion passed. Ms. Vickers was recused from this vote.

Agreed Citations: None were presented.

Orders of Compliance: None were presented.

Requests for Order Modification: None were presented.

Discuss and consider requests for continuing education waiver(s)- Time: (7:52:50)

A) Deborah Greer, LMT

Ms. Debra Greer license 2623 is requesting a waiver based on family medical issues. Supplemental documentation presented by Ms. Greer reflected health crises suffered by her husband who she was caretaker of. A motion to issue a waiver was made by Dr. Bolden and seconded by Ms. Yarbrough. A roll-call vote was held, and the motion passed to grant the waiver.

B) Angela M. Lane, LMT

Angela Lane license 7560 is requesting a personal medical waiver. Ms. Lane presented documentation from her physician reflecting her personal health issues. A motion was made by Dr. Bolden to grant the waiver and was seconded by Ms. Yarbrough. A roll-call vote was held, and the motion passed to grant the waiver.

Discuss and take action on school approvals and/or program changes, if necessary- Time: (08:05:38)

None were presented.

Review, discuss, and take action if necessary, on School Annual Reports- Time: (08:05:48)

This report was brought by Dr. Ed Bolden. From July 1, 2019 to June 30, 2020, there were 21 approved massage education programs in Tennessee. Of those programs, 8 did not submit an annual report; 12 programs were active and reporting; and only 1 program was located out of state, in Mississippi. During this time, a total of 454 students were enrolled in those programs, and 223 students graduated, which comes to an overall 63 percent graduation rate. Dr. Bolden noted that this rate was down 14 percent from the previous year, most likely due to the effects of the COVID 19 pandemic. During this time, 73 students withdrew or were dismissed from those programs,

which comes to an overall 16 percent withdrawal/dismissal rate. Dr. Bolden noted that this was only one more student over the total from the previous year.

Of the students graduated, 123 sat for the MBLEx exam (55 percent of those graduated). Looking at the past few years, programs that fell below the required pass rate of their students sitting for the MBLEx was: 11 programs in 2016/2017; 7 programs in 2017/2018; 5 programs in 2018/2019; and 2 programs in 2019/2020. Dr. Bolden noted that the information for the 2019/2020 is likely to be incomplete due to factors including the COVID 19 pandemic, the unavailability of accurate information, and the impact that closed testing centers had on first time test takers.

In response to questions from Mr. Guilford, Dr. Bolden stated that of the 8 programs that did not submit reports, most sent in reports that stated they had no students enrolled during that time. Mr. Guilford stated that any school that did not respond at all will be receiving a letter telling them that they are late submitting their report and that they must submit it as soon as possible, even if their data is incomplete due to events surrounding the COVID 19 pandemic. Dr. Bolden agreed with Mr. Guilford that all documentation received this year is somewhat inaccurate due to all the upheaval due to the COVID 19 pandemic.

Mr. Mullins asked Mr. Guilford what consequences could result for those schools that did not send in reports. Mr. Guilford said that he would consult the Board's Rules and policies, but that he suspected that possible discipline could include probation or suspension of the schools that do not report.

After some discussion, the Board did not take any action on the annual school reports at this meeting.

Board Elections- Time: (08:26:48)

Elections were held at the November 2020 Meeting and with four Board Members present. It was confirmed that Ms. Marvis Burke is elected as Board Chair and Mr. Michael Velker is elected Secretary.

Discuss and take action if needed regarding rulemaking hearings, rule amendments, and policies-Time: (08:28:12)

None were presented, these will be presented at the May 2021 Meeting.

Public Comments and receive future Board and Development Committee agenda items-Time: (08:28:27)

None were presented.

The Meeting was adjourned at 5:30 p.m.