

**MINUTES  
TENNESSEE MASSAGE LICENSURE BOARD  
AUGUST 7, 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  
Michael Velker, Citizen Member  
Cynthia Jagers, LMT

Members Absent Christi Cross, Citizen Member

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

The meeting was called to order at 9:21 a.m. by Dr. Ed Bolden, Board Chairperson. Dr. Bolden welcomed everyone to the meeting and encouraged the students to attend the Board meetings and become an active part of the massage and bodywork profession. Dr. Bolden said the reason the Board exists is to protect the health, welfare and safety of the citizens of the state of Tennessee. Prior to conducting business, Lisa Lampley conducted a roll call to establish a quorum. A quorum was present.

**Minutes**

Upon review of the June 6, 7, 2017 minutes, Ms. Burke made a motion, seconded by Ms. Wray, to approve the minutes as written. The motion carried.

**Office of Investigation/Disciplinary Report**

Ms. Dorsey Luther, Disciplinary Coordinator, reported that the Board currently has fifty-three (53) open complaints against massage therapists and forty (40) open complaints against massage establishments in the Office of Investigations. There are forty-nine (49) massage therapist on probation, twenty-one (21) that have a Board Order or reprimand, twenty-six (26) therapist licenses have been suspended, and seventeen (17) have had their therapist license revoked. There are twenty-one (21) massage establishments that have been disciplined and currently being monitored.

**Applicant Interviews**

### **YuanYuan Wang**

Ms. Yuan Yuan Wang was asked to appear before the Board to answer and explain concerns regarding her educational transcript submitted from Tennessee School of Therapeutic Massage not matching the school listed on her MBLEx report. The Florida Career School of Massage and Bodyworks was school she listed that she attended for her massage education on her MBLEx exam. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Wang's massage therapist licensure application. Ms. Wang stated that although she never attended Florida Career School of Massage and Bodyworks, the school helped her complete and submitted her application for the MBLEx exam without obtaining any massage education. Ms. Wang falsely attested that she had completed the required education components to take the MBLEx exam. After a brief discussion, Mr. Velker made a motion, seconded by Mr. Wray to defer Ms. Wang's massage therapist application to the November 2017 meeting, to allow her time to contact the Federation of State Massage Therapy Boards regarding retaking her MBLEx exam and providing an exam report to the Board that reflects that she attended the Tennessee School of Therapeutic. The motion carried.

### **Xiu Li – DY Reflexology**

Ms. Xiu Li was requested to appear before the Board to answer questions regarding her establishment application for DY Reflexology. The Board Administrative Staff had received four (4) separate licensure applications from four (4) separate individuals claiming ownership of the establishment located at 810 NW Broad Street, Suite 238 in Murfreesboro, TN since December 2016. The Board then granted an establishment license to Ms. Yucui Liu for DY Reflexology located at 810 NW Board Street, Suite 238 in Murfreesboro, TN at the June 7, 2017 Board meeting. The Board had concerns and wanted to confirm that Ms. Li was in fact the owner of the establishment and would be responsible for all licensed massage therapist employed in and by DY Reflexology. Ms. Li informed the Board that she was the current owner and would be responsible for all employees. After a discussion, Mr. Velker made a motion, seconded by Ms. Wray, to approve Ms. Li's establishment application for DY Reflexology. The motion carried.

### **Suna Zhang – Royal Spa**

Ms. Suna Zhang was requested to appear before the Board due to previous discipline. Ms. Zhang's massage therapist application was denied by the Board at the October 2016 Board meeting due to her school not meeting the educational requirements under the Massage Board rules. Ms. Zhang was also requested to appear because she answered "no" to questions (b) and (d) on the Ownership or Proceeds Disclosure form in her establishment application for Royal Spa located at 132 St. Andrews Drive # E in Murfreesboro, TN. Question (b) asked if she had ever applied for or held a license....that had ever been denied, and question (d) asked if she had previously applied for a massage therapist license in Tennessee. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Zhang's massage establishment application. Ms. Zhang stated that due to the language barrier, she misunderstood the question, but upon receiving her deficiency letter, she came to the Board Administrative office and corrected the Ownership or Proceeds Disclosure form by marking yes and providing an explanation. After a discussion, Ms. Wray made a motion, seconded by Mr. Velker, to approve Ms. Suna Zhang's establishment application for Royal Spa. The motion carried.

### **Zengjian Zhang – Boldex Inc. DBA Health Spa**

Mr. Zengjian Zhang was requested to appear before the Board to answer and explain concerns of owning and operating an establishment that was not licensed in his name, and employing unlicensed massage therapist. On May 10, 2017, an investigator from the Tennessee Department of Health performed an unannounced visit to the establishment located inside Green Hills Mall at 2126 Abbott Martin Road, Suite 218, in Nashville, TN. While at the establishment, the investigator witnessed two (2) unlicensed individuals practicing massage on clients. The investigator also spoke with Mr. Yufan Xue, who identified himself as an owner, office manager, and business partner of Mr. Zengjian Zhang. Mr. Xue told the investigator that he and Mr. Zhang were in the process of buying the establishment from the current owner, Litao Lang. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Mr. Zhang's massage establishment application. Mr. Zhang stated that he had only taken over the business two days before the investigator arrived, and due to being busy, hadn't had an opportunity to check to make sure the therapist in the establishment were licensed. After a discussion, Mr. Velker made a motion to approve the establishment application. The motion failed. Ms. Wray made a motion, seconded by Ms. Burk, to deny Mr. Zengjian Zhang's establishment application for Boldex Inc. DBA Health Spa based upon 63-18-108(6)(9). The motion carried with Mr. Velker opposed.

### **Hairui Cui – A New Day Spa**

Mr. Hairui Cui was requested to appear before the Board due to answering "no" to question (g) on the Ownership or Proceeds Disclosure form for his establishment application for A New Day Spa located at 240 E Main St. in Hendersonville, TN. Question (g) on the Ownership or Proceeds Disclosure form ask if the applicant has read and understands the rules and regulations of the Tennessee Massage Licensure Board. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Mr. Zhang's massage establishment application. Mr. Cui stated that couldn't read English so he had a friend help him feel out the application. The Board also had concerns that Mr. Cui's home address in the State's licensing database system reflected the establishment for Shui Spa, which license was revoked, and Aroma Spa, which license was denied. Mr. Cui explained that he used to work at Shui Spa as a reflexologist. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Wray, to approve Mr. Cui's establishment application for A New Day Spa. The motion carried.

### **Tanya Lea Bodsford**

Ms. Tanya Lea Bodsford was not present for the meeting. Mr. Velker made a motion, seconded by Ms. Burke, to proceed with the application review in Ms. Bodsford's absence. Ms. Julie Wray recused herself from the discussion. Ms. Bodsford was asked to appear before the Board to explain why she answered "no" to her massage therapist application regarding any convictions other than a minor traffic offense. Ms. Bodsford's criminal background check revealed a 1996 conviction for reckless driving. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Burke to approve Ms. Bodsford's massage therapist license contingent upon her submitting a new application, correctly answering question nine (9) regarding criminal convictions, and submitting the \$95.00 application fee. The motion carried.

### **Joslynn English - TnPAP**

Ms. Joslyne English was not present for the meeting. Ms. Burke made a motion, seconded by Mr. Velker, to proceed with the application review in Ms. English's absence. Ms. English had appeared before the Board at the June 7, 2017 meeting to answer and explain concerns regarding her misdemeanor conviction involving a 2016 DUI. Based upon her 2016 DUI conviction, Ms. English 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. At the June 7, 2017 meeting, Ms. English requested that the Board defer her application to allow her time to work with TnPAP. The Board granted her request and deferred her application until the August 7, 2017 meeting. On July 5, 2017 the Board Administrative Office received a letter from Ms. English requesting that the Board allow her additional time to complete her treatment and execute a mentoring agreement with TnPAP. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Jagers, to defer action on Ms. English's file until the November 8, 2017 Board meeting to allow her time to complete her required treatment and execute a monitoring contract with TnPAP. The motion carried.

### **Kevin Rio Kiper- TnPAP**

Mr. Kevin Rio Kiper was not present for the meeting. Ms. Burke made a motion, seconded by Ms. Wray, to proceed with the application review in Mr. Kiper's absence. Mr. Kiper had appeared before the Board at the June 7, 2017 meeting to answer and explain concerns regarding his 2004 Washington Default Board Order that revoked his Washington Acupuncture license for ten (10) years for unprofessional conduct. At the June Board meeting, the Board deferred action on his application and referred Mr. Kiper to the Board's contracted Peer Assistance Program (TnPAP) for an evaluation. Mr. Harkreader informed the Board that Mr. Kiper had completed his evaluation and would need to complete a professional boundary class and execute a monitoring agreement. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Wray to defer action on Mr. Kiper's application until the November 8, 2017 Board meeting to allow him time to complete the professional boundary class and execute a monitoring agreement. The motion carried.

### **Krista Lyn Harms – TnPAP**

Ms. Krista Lyn Harms was not present for the meeting. Ms. Harms was requested to appear before the Board to answer and explain concerns regarding her 2016 misdemeanor conviction for a DUI and two (2) 2016 convictions for driving on a suspended license. Based upon her 2016 DUI conviction, Ms. Harms was requested to contact the Tennessee Professional Assistance Program for an evaluation. On July 12, 2017, Ms. Harms contacted TnPAP and decided to withdraw her request for services until she returned from Illinois to Tennessee. On July 23, 2017, Ms. Harms e-mailed the Board Administration and requested that her application be deferred until the November 8, 2017 due to family illness. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Wray, to defer Ms. Harms massage therapist application, to allow her time to complete her evaluation and if needed execute a monitoring agreement with TnPAP. The motion carried.

### **Kevan Thomas Peden – TnPAP**

Mr. Kevan Thomas Peden was requested to appear before the Board to answer and explain concerns regarding his 2008 misdemeanor conviction for reckless driving and a 2014 conviction for a DUI. Based upon his two convictions, Mr. Peden was requested to contact the Tennessee

Professional Assistance Program for an evaluation. Based upon his evaluation and Peth test results, Mr. Peden was required to enter into a short-term monitoring agreement and participate in ASAM level I outpatient treatment. Mr. Peden executed a monitoring agreement with TnPAP on April 27, 2017 and was deemed safe to practice as a massage therapist. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Wray, to grant Mr. Peden a conditional license. Mr. Peden must adhere to the requirements in his monitoring agreement with TnPAP and submit a signed conditional license agreement with the Board. The motion carried.

### **Jessica Leigh Poindexter – TnPAP**

Ms. Jessica Leigh Poindexter was requested to appear before the Board to answer and explain concerns regarding her multiple convictions for controlled substance and drug paraphernalia, driving under the influence, domestic assault, aggravated child abuse/neglect, possession of scheduled I drug, and violation of probation. Based upon her convictions, Ms. Poindexter self-reported to TnPAP for an evaluation. The evaluation recommended that Ms. Poindexter participate in an ASAM Level II Intensive Outpatient treatment program and execute a monitoring agreement. As of the August 7, 2017 Board meeting, Ms. Poindexter was still enrolled and actively participating in her intensive outpatient treatment program. After a brief discussion Mr. Velker made a motion, seconded by Ms. Burke to defer a decision on Ms. Poindexter's application until the November 8, 2017 meeting to allow her an opportunity to complete her intensive outpatient treatment program. The motion carried with Ms. Wray opposed.

### **Christine Ann Valentino – Align Health**

Ms. Christine Ann Valentino was requested to appear before the Board due to her 2017 Consent Order for working in an unlicensed establishment at Eric Anderson P.A. DBA Anderson Chiropractic located at 2732 Highway 411 South in Maryville, TN from April 2014 through November 2015. Ms. Valentino applied for a massage establishment license for Align Health located at 2732 Highway 4115 in Maryville, TN. After a brief discussion, Ms. Wray made a motion, seconded by Mr. Velker, to approve Ms. Valentino's establishment application. The motion carried.

### **Mark McMahon – Soothing Massage**

Mr. Mark McMahon made application for a massage establishment license for Soothing Massage located at 1139 NW Broad St. Suite 106 in Murfreesboro, Tennessee. He was requested to appear before the Board because the location for which he was applying for an establishment license was raided in May of 2017 by law enforcement and multiple unlicensed individuals were arrested for impersonating licensed professionals while employed at Gold Sun Massage. After the police raided the establishment, Gold Sun Massage closed and Mr. McMahon submitted a new establishment application for Soothing Massage. The Board was also concerned about Mr. McMahon's wife Haiyan McMahon (Bernhardt), who was listed as the massage therapist for Soothing Massage. Ms. Haiyan McMahon 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. The Board ratified a consent order on Ms. McMahon (Bernhardt) at the June

6, 2017 Board meeting. After a discussion, Ms. Wray made a motion to approve Mr. McMahon’s establishment application. The motion failed. Mr. Velker made a motion, seconded by Ms. Wray, to approve Mr. McMahon’s establishment license for Soothing Massage contingent upon him submitting a signed lease in his name for Soothing Massage located at 1139 NW Broad St. Suite 106 in Murfreesboro, TN. The motion carried.

**Paul John Pozorski, MT**

Mr. Paul John Pozorski was requested to appear before the Board to discuss and answer concerns regarding his reinstatement application. Mr. Pozorski’s massage license was disciplined in Oregon in 2012 for making inappropriate comments about or to a client. He also listed himself as the Program Director for Daymar Institute on his reinstatement application. Per rule 0870-02-.05, the program director of the massage therapy program must be currently licensed in Tennessee as a massage therapist with at least five (5) years of experience. Mr. Pozorski, stated that he was not currently teaching massage, but rather teaching computer science while waiting for his massage therapy license to be reinstated. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Wray to approve Mr. Pozorski’s reinstatement application. The motion carried.

**Applicant File Review – Education Concerns**

1. **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. Wray made a motion, seconded by Ms. Burke, to deny all applications based upon the schools currently being unapproved by the CAMTC. The motion carried.
  - a. Yue Dong – Santa Ana Beauty College

**Directors Report**

As of August 1, 2017 there were 4,299 licensed massage therapists and 1,688 licensed massage establishments.

Following is the license status since the last meeting:

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>June 2017</b>	<b>June 2017</b>
Newly Licensed – 32	Newly Licensed – 21
Reinstate Applications – 13	Reinstate Applications – 3
Retired- 8	Retired – 5
New Applications- 40	New Applications- 28

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>July 2017</b>	<b>July 2017</b>
Newly Licensed – 30	Newly Licensed – 14
Reinstate Applications – 12	Reinstate Applications – 2
Retired- 8	Retired – 5
New Applications- 32	New Applications- 19

### **Continuing Education Report**

Ms. Hodge provided the continuing education report. From January 2017 to June 2017 the compliance unit audited a total of 94 massage therapists. Of the massage therapists audited, 59 were compliant (63%) and 35 were non-compliant (37%). Twenty-one (21) of the 35 non-compliant therapist were deficient in required continuing education hours. Eighteen (18) of the 35 non-compliant therapist failed to contact the compliance unit or submit documentation.

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

Mr. Marc Guilford stated there are currently 31 open cases in OGC. The rules are currently set to go into effect on August 17, 2017. The new rules will be posted on the web, e-mailed to schools, professional organizations, continuing education providers, the Board, and current licensed massage therapist that selected to receive electronic notifications.

### **Consent Orders**

#### **Yuedong Su, LMT – 10933**

Mr. Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Yuedong Su. Ms. Su was licensed by the Board as a Massage Therapist on January 7, 2015. She worked as a massage therapist at Beijing Massage in Jackson, TN for approximately one (1) month before the establishment was licensed. The Stipulations of Fact above establish that Yuedong Su violated T.C.A 63-18-104(10), T.C.A 63-18-108(7)(10)(12), and TENN. COMP. R. & REGS 0870-01-03(1).

Upon discussion and review, the Board found that Ms. Su had violated the Tennessee Massage Licensure Board statutes and regulations by working in an unlicensed establishment. Ms. Su's conduct constitutes grounds for discipline. A motion was made by Ms. Burke, seconded by Ms. Wray, to approve the consent order as written. The motion carried. Ms. Su's massage license was reprimanded. She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00).

### **Agreed Orders**

#### **Latoya M. Tramill, LMT – 5219**

Mr. Peyton Smith, Assistant General Counsel, presented and discussed the Agreed Order for Latoya M. Tramill. Ms. Tramill failed to obtain nine (9) of the twenty-five approved continuing education hours in the 2013/2014 continuing education cycle. Upon discussion and review, the Board found that Ms. Tramill had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Tramill's conduct constitutes grounds for discipline. A motion was made by Ms. Burke, seconded by Mr. Velker, to approve the agreed order as written. The motion carried.

Ms. Tramill's license was placed on probation, and he was assessed one (1) Type B Civil Penalty in the amount of Three Hundred Dollars (\$300.00) and nine (9) Type C Civil Penalties in the

amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of Seven Hundred Fifty Dollars (\$750.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars \$2,000.00, and make up all continuing education hours and penalty hours for the 2013-2014 continuing education cycle.

### **Nan Li, LMT – 8726**

Marc Guilford, Board Attorney, presented and discussed the consent order for Nan Li. Ms. Li was represented by counsel, Wayne Crim, and agreed to the facts in the order. Ms. Li was licensed by the Board as a Massage Therapist on February 1, 2011. She worked at Bucca Foot Spa from October 2014 through July 2016, about twenty-two (22) months, performing full body massages 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 Ms. Li violated T.C.A 63-18-108(10)(12).

Upon discussion and review, the Board found that Ms. Li had violated the Tennessee Massage Licensure Board statutes and regulations by working in an unlicensed establishment. Ms. Li's conduct constitutes grounds for discipline. A motion was made by Ms. Wray, seconded by Ms. Burke, to approve the consent order as written. The motion carried. Ms. Li's massage license was placed on probation for at least one (1) year. During the term of probation, Ms. Li is prohibited from owning or being the responsible person for a massage establishment in Tennessee. She was assessed twenty-two (22) Type C Civil Penalties in the amount of One Hundred Dollars each, representing one such penalty for each month Ms. Li worked at Bucca while it was unlicensed, for a total assessment of Two Thousand Two Hundred Dollars (\$2200.00). 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).

### **Ocean View Spa – 3778 – Kun Jiang, LMT – 9586**

Marc Guilford, Board Attorney, presented and discussed the agreed order for Kun Jiang and Ocean View Spa. Mr. Jiang was represented by counsel, Vivien Wang, and agreed to the facts in the order. Mr. Kun Jiang is a licensed massage therapist in the State of Tennessee and owned and operated Ocean View Spa located at 670 N Germantown Parkway, Suite 6, Cordova, Tennessee 38018. Ocean View Spa was licensed on April 2, 2013 and had an expiration date of April 30, 2017. Mr. Jiang allowed at least three unlicensed individuals to perform massage therapy at Ocean View in at least February 2014: Caifeng Xiong, Zhuyun Chen, and Lijuan Liu. The Stipulations of Fact above establish that Mr. Jiang violated T.C.A 63-18-108(6)(7)(12), and TENN. COMP. R. & REGS 0870-01-02(1) and 0870-01-02(2)(b)(1).

After a discussion and review, the Board found that Mr. Kun Jiang had violated the Tennessee Massage Licensure Board statutes and regulations. His conduct constitutes grounds for discipline. Ms. Wray made a motion, seconded by Ms. Burke, to approve the agreed order as written. The motion carried. Mr. Jiang's massage therapist license was placed on probation for a period of at least three (3) years. His establishment license for Ocean View Spa was revoked and shall not be reinstated. Mr. Jiang was assessed three (3) Type A Civil Penalties in the amount of One Thousand



Dollars (1,000.00), representing one such civil penalty per unlicensed person allowed to practice massage therapy in Mr. Jiang's establishment, for a total civil penalty of Three Thousand Dollars (\$3,000.00). He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars (\$3,000.00).

### **AAA Chinese Therapeutic – 3984 – Yuxia Lou, LMT – 9136**

Marc Guilford, Board Attorney, presented and discussed the agreed order for Yuxiu Lou and AAA Chinese Therapeutic. Ms. Lou was represented by counsel, Garrett Asher of the Nashville Bar, and agreed to the facts in the order. Ms. Yuxia Lou is a licensed massage therapist in the State of Tennessee and owned and operated AAA Chinese Therapeutic located at 915 Harpeth Valley Place, Nashville, TN 37221. AAA Chinese Therapeutic was licensed on March 17, 2014 and has an expiration date of March 31, 2018. Ms. Lou operated Jackson #1 and Diamond Massage, unlicensed massage establishments that was located at 566 C Carriage house Drive, Jackson, TN 38305 and 31 Bowling Drive, Jackson, TN 38305. Ms. Lou allowed unlicensed individuals to practice massage therapy at both unlicensed establishments in at least about July 2016. Ms. Lou applied for massage establishment licenses for Jackson #1 and Diamond Massage, but was denied the licenses at the August 2016 meeting. The Stipulations of Fact above establish that Ms. Lou violated T.C.A 63-18-108(6)(7)(12), and TENN. COMP. R. & REGS 0870-01-02(1) and 0870-01-02(2)(b)(1).

After a discussion and review, the Board found that Ms. Yuxia Lou had violated the Tennessee Massage Licensure Board statutes and regulations. Her conduct constitutes grounds for discipline. Mr. Velker made a motion, seconded by Ms. Jaggars, to approve the agreed order as written. The motion carried. Ms. Lou's massage therapist license was placed on probation for a period of at least three (3) years. Her establishment license for AAA Chinese Therapeutic was revoked. Ms. Lou was assessed two (2) Type A Civil Penalties in the amount of One Thousand Dollars (1,000.00), representing one such civil penalty per establishment in which Ms. Lou allowed unlicensed person to practice massage therapy, for a total civil penalty of Two Thousand Dollars (\$2,000.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars (\$3,000.00).

### **DY Reflexology – 3679 – Guo Dong Nie - 9357**

Mr. Marc Guilford, Board Attorney, presented and discussed the agreed order for Guo Dong Nie and DY Reflexology. Mr. Guo Dong Nie is a licensed massage therapist in the State of Tennessee and owned and operated Dy Reflexology located at 810 NW Broad Street in Murfreesboro, TN. Mr. Nie also owned Far East Reflexology, f/k/a Chinese Therapeutic Massage up and until August 12, 2014 when the Board entered an order on Mr. Nie that revoked the establishment license for employing at least two unlicensed individuals that performed massage for compensation. The Stipulations of Fact above establish that Mr. Nie violated T.C.A 63-18-108(7)(12), and TENN. COMP. R. & REGS 0870-01-19(1).

After a discussion and review, the Board found that Mr. Nie had violated the Tennessee Massage Licensure Board statutes and regulations. His conduct constitutes grounds for discipline. Ms. Wray made a motion, seconded by Ms. Burke, to approve the agreed order as written. The motion carried. Mr. Nie's massage therapist license was placed on probation for a period of at least two (2) years.

During the period of probation, Mr. Nie agrees to complete an additional 10 hours of continuing education related to ethics. His establishment license for DY Reflexology was voluntarily surrendered which is the same as revocation. He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00).

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

Ms. Burke made a motion, seconded by Ms. Wray, to approve the list of Agreed Citations for lapsed licenses. The motion carried.

#### **Beverly Lynn Shaffer, LMT - 7422**

Ms. Shaffer agreed to pay a civil penalty in the amount of \$400.00 for practicing massage therapy on a lapsed license for seven (7) months.

#### **Cassandra Elizabeth Vaughan, LMT - 10761**

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

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

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

#### **Laura B. Abdou, LMT - 8435**

Ms. Abdou agreed to pay civil penalties in the amount of \$300.00 for failing to obtain six (6) hours of continuing education during the 2013/2014 continuing education cycle.

#### **Lakreshia A. Grimes, LMT - 8199**

Ms. Grimes 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.

#### **Brenda K. Lowry, LMT - 7278**

Ms. Lowry 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.

#### **Rachel T. Nelson, LMT - 6428**

Ms. Nelson agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2015/2016 continuing education cycle.

#### **Aaron L. Searcy, LMT - 4065**

Mr. Searcy agreed to pay civil penalties in the amount of \$375.00 for failing to obtain nine (9) hours of continuing education during the 2015/2016 continuing education cycle.

### **Ratifications**

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

### **Massage Therapist**

Abdurakhmanov Emmanuil	Liu Youhua
Adams Candra Cole	Major Barbara Lucia
Appalsammy Kaitlyn Joy	Martell Brenda Jo
Bates Camilla Baker	Maxwell Lauren E
Bergin Rebekah Jo	Mcwherter Olivia Grace
Blake Cheryl Elaine	Meadows Rebecca Jeanene
Boliba Amy Elizabeth	Muniz-Parks Martin Esteban
Brislin Molly Jo	Oldenburg Kristin Elizabeth
Cabe Samantha Louise	O'Neal Daisy Mae
Chaney Tammy Adell	Polk Daisy Michele
Cooper Irene Laurel	Pudlo Rachel Lynn
Courtney Elizabeth Marie	Puumala Anna Marie
Curry Tia Christine	Quirindongo Rachael Simone
Depriest Haley Elizabeth	Ray Christopher Lynn
Fix Courtney Danielle	Sciara Brandon Michael
Galvin Victoria Michelle	Shepherd Thomas Edson
Grady Kristen Elizabeth	Shi Erchun
Hansford Maria Maxine	Smith Carla Dawn
Holden Mary Jacquelynn	Sokolowski Kenneth Mark
Hulbert Donna Ann	Soller Monika
Jarasz Bobbie Jo	Strickland Shelley Renae
Jones Laura Jennessa Leigh	Vaughn Naomi Rose
Kiger Rachel Breanne	Walker Sabrina Rae
King Wanda Leigh	Wang Shu Hua
Kouns Abigail Esther	Webb Lorrin Elizabeth
Kralik Angela J.	Williford Shelley Renee
Laforest Katerina Marie	Wissmann Nicole Kay
Lambert Noriza David	

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

Anderson Carolynn Mcfadden	Ackerson Christine
Evans Sandra Nicole	Carroll Michael Anderson

Fox Amanda Dale	Fields Autumn Dawn
Swafford Daphne Vernice	Kraft Janie Sue
Treadwell Sharon Lynn	Love Chantal Erika
Vaughan Cassandra Elizabeth	Mclemore Emily Bliss
Wise Shannon Leah	Williams Stephen Lynn

**Establishments**

A Simple Touch Healing Massage Therapy	Life Spa
All Spines Llc	Pacceka Massage Meditations Llc
B-Well Chiropractic Clinic Pllc	Rachel Buckner Massage Therapy
Crystal Chiropractic	Rachel'S Relief & Repose
Dobson Chiropractic And Massage	Rejuvenate Weight Loss And Wellness
Dy Reflexology	Rhapsody Spa
Elements Massage	Rhapsody Spa By The Westin Nashville
Float Horizen Llc	Rivergate Chiropractic
Georgia Career Graduate Spa	Shan Paul Massage
Georgia Career Professional Clinic	Star Footcare Massage
Gypsy Hands	The Rio Beauty Spa
Hands Of Grace Massage	The Shed Bodywork
Heartfelt Hands Massage Clinic	Valley Springs Spa
Jennifer'S Massage Studio	Wang'S Chair Massage
Kristen Steele	Warrior Massage And Mobility Inc.
L A Reflexology	Zhenni Spa

**Establishment Re-instatement**

Healing Hands Massage
Debbie Butterworth Lmt
Memphis Massage And Bodywork

**Approved Continuing Education Courses**

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

1. Derek Myers, DC - Medical Myofascial Release: Cervical Spine & Upper Extremities– 13 hrs. Course # TN072117-19
2. Derek Myers, DC - Medical Myofascial Release: Lumbar Spine & Upper Extremities – 12 hrs. Course # TN072117-20
3. Bill Mullins, LMT - Tennessee Massage Law – 2 hrs. Course # TN072117-21

4. Bill Mullins, LMT - Body Mechanics & Self Care for the Massage Therapist – 4 hrs. TN072117-22
5. Bill Mullins, LMT - Massage Therapy Ethics – 2 hrs. Course # TN080317-22

### **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 June 31, 2017. TnPAP is currently monitoring six (6) massage therapists. He reported that there are six (6) effective agreements and two (2) pending agreement. There have been eighteen (18) 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 \$22,510.00 from July 1, 2016 to June 30, 2017.

### **TnPAP's Request to Waive the CE Provider Fee for 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. The discussion was deferred at the October Board meeting to allow the board an opportunity to review programs and classes for substance abuse that are offered on TnPAP's website. After a brief discussion, Ms. Wray made a motion, seconded by Ms. Jagers, to approve the Substance Abuse Course and waive the \$100.00 provider fee. The motion carried.

### **Lapsed License Policy for Establishments**

The Board discussed creating a policy for massage establishments that continue to operate on a lapsed license. Mr. Velker stated that he felt that there should be a greater fine for establishments that operate on a lapsed license, because the establishments were placing the massage therapist license a risk of being disciplined for working in an unlicensed establishment. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Jagers for the lapsed license policy to reflect a \$250.00 civil penalty times the number of months the establishment operated on a lapsed license up and into six (6) months. The civil penalty would double to (\$500.00) for months seven (7) to twelve (12). If the establishment license has been lapsed in excess of twelve (12) months, the file will be forwarded to the Office of Investigations and the Office of General Counsel for disciplinary action. The motion carried. The Board requested that Mr. Guilford provide the updated lapsed license policy for the Board to review at the November 8, 2017 meeting.

### **Unlicensed Establishment Policy**

Mr. Guilford provided a draft of the unlicensed establishment policy for the Board to review. Upon review and a detailed discussion, Ms. Burke made a motion, seconded by Ms. Wray to revise the unlicensed establishment policy. The policy was revised to require that the owner of the unlicensed establishment be required to appear in person before the Board or Application Review Committee if the business has been open for six (6) months or less. If the establishment has been open and operating without an establishment license in excess of six (6) months, then the owner is required to appear before the Board. Although the policy provides in detail the civil penalty fees for operating an unlicensed establishment, the Board and ARC will have the ability to use the policy as a guide and if deemed necessary, deviate from the policy. The motion carried.

### **Interpreters provided by the Board for ARC and Board Meetings**

Mr. Guilford discussed whether the Board is required to provide interpreters with the Title VI Coordinator. He stated that the Department position is that interpreters must be provided at contested case hearings. He also stated that from the stand point of efficiency, it would be recommended that interpreters be provided for applicant interviews. No further action was required.

### **Therapist with Previous Discipline Teaching Approved Tennessee Law Continuing Education**

Ms. Jagers requested that the discussion regarding whether Tennessee Massage Therapist with previous discipline on his/her massage license should be able to teach an approved Tennessee Law continuing education course. The Board concurred that Therapist with previous discipline should be able to teach Tennessee Law after a designated timeframe after being disciplined. After a detailed discussion, Mr. Guilford informed the Board that he was going to have research if Board could pass a policy or if a rule change would be required.

### **Qualifications and Requirements for Tennessee Law Providers**

The Board discussed and considered qualifications and requirements for Tennessee Law providers. The Board agreed that approved Tennessee Law providers should be required to attend at least two Massage Board meeting each continuing education cycle, and that Tennessee Law classes must be approved by the consultant by a specific timeframe within the current cycle. After a detailed discussion, Mr. Guilford informed the Board that he was going to have research if Board could pass a policy or if a rule change would be required for the criteria to be enforced.

### **Quizzes for Two Hour Tennessee Law Class**

Ms. Jagers voiced her concerns regarding the inconsistency in Tennessee Massage Law providers requiring students to take and pass a test at the conclusion of the Two hour Tennessee Law class. She stated that some approved Tennessee approved Law providers require a test and some providers don't require a test. After a detailed discussion, Mr. Guilford informed the Board that requiring a test is between the provider and student, and that the Board shouldn't take any action.

### **Thai Yoga Bodywork/Massage**

Dr. Bolden stated that any individual or business that uses the term Thai Yoga Massage should be required to hold a Tennessee Massage license. Mr. Guilford stated that the Department would need

to address each complaint regarding stretching on a case by case basis, and encouraged all complaints to be submitted to the Office of Investigations.

### **Online Core Curriculum**

Discussion was deferred until the November 8, 2017 Board meeting.

Ms. Burke made a motion, seconded by Ms. Wray to adjourn the meeting. The meeting was adjourned at 5:18 pm.

**MINUTES  
TENNESSEE MASSAGE LICENSURE BOARD  
AUGUST 8, 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  
Michael Velker, Citizen Member  
Cynthia Jagers, LMT

Members Absent: Christi Cross, Citizen Member

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

The meeting was called to order at 9:22 a.m. by Dr. Ed Bolden, Board Chairperson. Dr. Bolden welcomed everyone to the meeting and encouraged the students to attend the Board meetings and become an active part of the massage and bodywork profession. Dr. Bolden said the reason the Board exists is to protect the health, welfare and safety of the citizens of the state of Tennessee. Prior to conducting business, Lisa Lampley conducted a roll call to establish a quorum. A quorum was present.

**Contested Case Hearings**

**Jian Fen Yang – Lucky Star Massage**

Marc Guilford, Board Attorney, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Michael Begley. Ms. Yang was present for the hearing and was appealing her establishment licensure denial for Lucky Star Massage located at 6625 Maynardville Pike, Suite 101, in Knoxville, Tennessee. 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. Yang regarding her case. In May 2016, Ms. Yang was denied an establishment license for Young Reflexology Foot Spa, located at 149 West End Ave, in Knoxville, Tennessee. In March 23, 2017 Ms. Yang submitted an establishment application for Lucky Star Massage. In about November 2016, two unlicensed individuals were arrested for impersonating massage therapist and practicing massage therapy at Five Star Massage located at 6625 Maynardville, Pike, Suite 101, in Knoxville, Tennessee. At the time of the arrest in November 2016, the establishment was owned and operated by Hai Yan Fan. Ms. Fan was not



present, but her husband Long Ma was present and running the establishment in her absence. Ms. Hai Yan Fan listed her home address on her Five Star Massage applications as 6824 Donna Lee Way in Knoxville, Tennessee, which is the same home address that Ms. Yang listed on her establishment application for Lucky Star Massage. Ms. Yang stated at the June 7, 2017 meeting that she worked for Mr. Long Ma at Five Star Massage from January 2017 until May 2017. Mr. Ma had previously been denied three (3) establishment licenses based on two (2) of the establishments operating without a license. During the interview with Board on June 7, 2017, Ms. Yang and her husband, Jingyu Wu, presented a copy of a lease that had Mr. Ma's name crossed out and Mr. Wu's name was handwritten in its place.

Ms. Angela Parris, Detective with Knox County Sheriff's Department, testified that her department conducted the bust on Five Star Massage in November 2016. She stated that Mr. Ma was acting as the manager of the business, since his wife was out of the country. Detective Parris also stated that Ms. Yang was not present, but that Mr. Wu was present outside of the establishment and stated to the detectives that he was visiting a friend. Ms. Kimberly Hodge testified for the Tennessee Department of Health. Mr. Jingyu Wu testified on behalf of Ms. Yang. The Stipulations of Fact above establish that Jian Fen Yang violated T.C.A 63-18-108(1)(5)(7)(12) and TENN. COMP. R. & REGS 0870-01-02(1) and 0870-01-02(2)(b)(1). Upon a discussion, Mr. Velker made a motion, seconded by Ms. Wray to uphold the June 7, 2017 licensure denial for Ms. Yang's establishment application for Lucky Star Massage.

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

#### **Cynthia Diane Johnston**

Marc Guilford, Board Attorney, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Michael Begley. Ms. Cynthia Diane Johnston was present for the hearing and was appealing her massage therapist licensure denial. Ms. Johnston attended massage school at Lindsey Hopkins Technical Center in Miami, Florida from 1983 through 1985 and was a student in the 500 hour massage licensure preparation and colon irrigation program. She granted a certificate of completion on March 20, 1985. Upon applying for a Tennessee Massage License, Ms. Johnston was unable to cause a transcript from Lindsey Hopkins to be sent to the Board's Administrative Office. She was also unable to provide documents that stated what specific subjects, classes, and hours of each class her massage education included. Ms. Johnston appeared before the Board at the October 19, 2015 Board meeting to answer concerns regarding her massage education. At the meeting, the Board denied her massage therapist application due to lack of a transcript or supporting documentation that showed Ms. Johnston's massage education met the minimum standards prescribed by the Board.

Ms. Johnston appeared and testified before the Board at the contested case hearing. She detailed the courses that she completed at Lindsey Hopkins, and provided current letters of recommendation and support from friends and colleagues in Miami. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Wray to amend the proposed order to read that Ms. Johnston's massage license be granted contingent upon submitting documentation to the Board Administrative office of completion of ten (10) hours of ethics and five (5) hours of Tennessee Massage Law. The motion carried.

## **Huey Storms, LMT**

Marc Guilford, Board Attorney, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Michael Begley. Mr. Huey Storms was present for the hearing and was appealing his denial of his reinstatement of his massage therapist license. Mr. Storms was scheduled to appear before the Board at the June 2017 Board Meeting, but he was unable to attend the meeting, and the Board proceeded in default and denied his reinstatement application. Mr. Storms completed only two of the twenty-five (25) required continuing education hours during the 2009-2010 cycle. He signed an agreed citation in 2011, which required him to complete twenty-nine (29) additional hours of continuing education in his 2011-2012 cycle. Mr. Storms didn't submit proof of having timely completed the twenty-nine (29) hours of CE for his 2011 agreed citation. Mr. Storms didn't complete any of the twenty-five required continuing education hours during the 2011-2012 and testified that he only completed a portion of his hours for the 2013-2014 continuing education cycle. The Stipulations of Fact above establish that Mr. Storm violated T.C.A 63-18-108(7)(9), TENN. COMP. R. & REGS 0870-01-.12(1)(7)(a) and TENN. COMP. R. & REGS 0870-01-.19(1)(f).

Upon discussion and review, the Board found that Mr. Storms had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. His conduct constitutes grounds for discipline. A motion was made by Ms. Wray, seconded by Ms. Burke, to approve the amended consent order. The motion carried. In order to have his massage therapist license conditionally reinstated, Mr. Storms must submit evidence of having completed a total of twenty nine (29) hours of continuing education, representing the hours he was deficient in earning from his prior 2009/2010 agreed citation, on or before November 30, 2017. Mr. Storms must complete an additional 50 hours prior to March 31, 2018. These hours must include at least six (6) hours relating to Tennessee statutes and rules and six (6) hours pertaining to the management of practicing massage therapy, professional ethics, or substance abuse. Of the seventy-nine (79) required hours, only eight (8) can be completed online or in a multimedia format, and none of the makeup hours may be counted toward the hours required during the continuing education cycle in which Mr. Storms' license is reinstated. Upon submitting proof of having completed the seventy-nine (79) hours of make-up continuing education hours, Mr. Storms' massage therapist license shall be reinstated and placed on probation for a period of at least three years. Mr. Storms was assessed fifty (50) Type C Civil Penalty in the amount of Twenty-Five Dollars each, representing one civil penalty per hour Mr. Storm was deficient for 2011/2012 and 2013/2014, for a total assessment of One Thousand, Two Hundred and Fifty Dollars (\$1,250.00). These civil penalties must be paid in full on or before March 31, 2018.

## **Massage School Approval Request**

The Board reviewed the curriculum and request from A Better You Academe, located at 2255 Center Street in Chattanooga, TN, to have the schools 500 hour Massage program approved. Ms. Talitha Adkins, owner of A Better You Academe, and Mr. Charles Parker, Education Director, were present for the meeting. After a brief discussion, Ms. Wray made a motion, seconded by Ms. Burke to approve A Better You Academe's program. The motion carried.

## **FSMTB MLTD Database**

Mr. Guilford stated that the Federation of State Massage Board had sent the Memorandum of Understanding, which was forwarded to the Contract Division within the Department of Health. Mr. Guilford stated that the Contract Division had additional questions for the FSMTB, but they are working with legal to get all information needed.

Ms. Burke made a motion, seconded by Ms. Wray to adjourn the meeting. The meeting was adjourned at 3:19 pm.