

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
March 28, 2022

Emergency Meeting (Teleconference)

Time: 5:00 p.m. C.S.T.

Location: Virtual WebEx Meeting
665 Mainstream Drive
HRB - 1st Floor, Iris Room
Nashville, TN 37243

Members Present: William E. Mullins, LMT
Emily Newberry, LMT
Michael Velker, Chairperson - Citizen Member
Dee Vickers-Smith, LMT

Members Absent: Marvis Burke, LMT
Virginia P. Yarbrough, LMT

Staff Present: Noranda French, Unit 2 Director
Kimberly Hodge, Board Director
Jessica Turner, Board Attorney - Office of General Counsel

The telephonic meeting was called to order at 5:24 p.m. by Kimberly Hodge, Board Director. A roll call was conducted to establish a quorum for the emergency meeting and a quorum was present. Ms. Noranda French, Unit 2 Director, conducted a roll call vote to ensure that each participant was connected and that each participant could hear all responses. Ms. French then provided the requirements and justification for an emergency electronic meeting. A motion was made by Mr. Mullins, and properly seconded by Ms. Vickers-Smith that the requirements for an electronic meeting had been met. The motion carried. Ms. Jessica Turner, Board attorney also discussed the Summary Suspension Hearing procedures.

Anwar Diggs, LMT - 12907

The emergency meeting of the Tennessee Massage Licensure Board was held to consider the State's proof relative to the summary suspension of Anwar Diggs, license # 12907. The findings of fact include that on October 15, 2020, the Delaware Board of Massage and Bodywork revoked Mr. Diggs' massage therapist license based on the following findings. Mr. Diggs was employed as an independent contractor at A Balanced Life Massage (ABLM) located in Wilmington, Delaware in December 2018 and January 2019. On December 20, 2021, a female client booked a massage online. Upon arriving at the establishment, the client wasn't provided any forms "traditional pre-massage paperwork" to complete. This paperwork would include choosing the type of massage requested and the areas of the body to be worked/massaged on what areas to avoid being touched. The forms that were generally used by (ABLM) contained nothing that would allow a client to request or consent

to a therapeutic breast massage. Mr. Diggs conceded that in Delaware the client must give written consent to a therapeutic breast massage and such massage wouldn't involve touching the nipples.

During the massage Mr. Diggs touched the clients seams of her underwear near her bikini area; he exposed her entire body when he held the sheets as she flipped over; and he touched her groin area as well as her outer vulvar area through her underwear and skin of her vulvar area. Mr. Diggs proceeded to work on the client's upper body and pulled down the sheet exposing the client's stomach and breast. Mr. Diggs ran his hands down both of the client's breast multiple times and touched her areola and nipples. While standing behind the client, Mr. Diggs pressed his body against her head with an erection that she could feel through his pants. The client stated that the massage made her feel "dirty, disgusting, and violated. Two months after the massage, she filed a criminal complaint against Mr. Diggs, and he was charged with Unlawful Sexual Contact 3rd Degree.

On January 24, 2019, a second client scheduled a couples massage at ABLM. During the massage session Mr. Diggs moved the clients arms up and down until at one point he moved her hand directly on to his groin area and penis. When the client realized that she had touched that area, including Mr. Diggs's erect penis, she pulled way and said she was sorry. Mr. Diggs responded that he knew she was not sorry and that it was ok. The client complained to ABLM's manager and subsequently filed a complaint with the Division of Professional Regulation and the police. Upon renewing his Tennessee Massage license on December 28, 2021, Mr. Diggs failed to report the Delaware discipline on his renewal application.

After a brief discussion and reviewing the Proposed Order for Summary Suspension, Mr. Mullins made a motion, seconded by Ms. Newberry to summary suspend Mr. Diggs' Tennessee massage license immediately. The Board based their decision on the fact that the evidence showed that Mr. Anwar Diggs had engaged in unethical and unprofessional conduct, including engaging in sexual and sexualizing behavior while massaging clients. Mr. Diggs has violated T.C.A. 63-1-120(b) and 63-18-108(6)(7)(12) and rules 0870-01-02:(3) and 0870-01-19(1)(n). The motion carried with a roll call vote.

Gary Genna, LMT – 852

The emergency meeting of the Tennessee Massage Licensure Board was held to consider the State's proof relative to the summary suspension of Gary Genna, license #852. The findings of fact included that Mr. Genna was employed as an Associate Professor of Somatic Therapy and the Program Director of the Massage Therapy program at Roane State Community College (RSCC) for approximately fourteen (14) years. While employed by Roane State Community College, Mr. Genna sexually assaulted numerous students, both at the school and in his home.

A former student of Mr. Genna and graduate of (RSCC) contacted Mr. Genna after a should injury to inquire about "neuromuscular (NMT) therapy." On November 12, 2020, the former student went to Mr. Genna's home for a massage, as he had a massage room in the lower level of his home. Mr. Genna didn't have her complete in paperwork and instructed her to undress to her level of comfort while he was outside of the room. Towards the end of the massage, Mr. Genna placed his hands in her underwear, rubbing her labia minora and labia majora and moving his fingers up to her clitoris where he began rubbing back and forth as in a massage motion. She reported that while Mr. Genna

was touching her clitoris, he asked her “Is that tense?” Upon arriving home from the massage, she contacted the Knoxville Police Department and filed a police report.

A second former student reported that she received three (3) separate massages from Mr. Genna. She reports that the first massage was “normal” and the second made her “a bit uncomfortable.” During the third massage, Mr. Genna instructed her to remove all her clothes (in the previous two massages she had left on her bra and underwear). When she told Mr. Genna she wanted to keep her bra on, he said, no. During the massage, Mr. Genna pulled on of her legs up so that she was completely exposed and moved his hand into her pubic area. He then had her lay on her right side where he placed his fingers on her labia. Mr. Genna rubbed the labia majora and labia minor all while her entire backside was exposed. When he finished on that side, he had her turn onto her left side and continued to rub her labia majora and labia minor.

After a brief discussion and reviewing the Proposed Order for Summary Suspension, Mr. Mullins made a motion, seconded by Ms. Newberry to summary suspend Mr. Genna’s Tennessee massage license immediately. The Board based their decision on the fact that the evidence showed that Mr. Gary Genna had engaged in unethical and unprofessional conduct, including engaging in sexual and sexualizing behavior while massaging clients. Mr. Diggs has violated T.C.A. 63-18-108(6)(7)(12) and rules 0870-01-02(1)(2)(3) and 0870-01-19(1)(n). The motion carried with a roll call vote.

Consent Orders

Bella Medical Spa – 1668 (Cathy Boles)

Ms. Jessica Turner, Board Attorney, presented and discussed the consent order for Bella Medical Spa owned and operated by Ms. Cathy Boles, located at 2151 Wilma Rudolph Blvd, Clarksville, TN 37040. Bella Medical Spa, establishment license 1668, was licensed by the Massage Board August 29, 2005, and has a current expiration date of October 31, 2022. From about August 1, 2017, to November 30, 2018, the establishment operated while the license was in expired status. During the time period of the license being lapsed, one massage therapist (Ms. Theresa Grubbs) provided approximately 425 massages at Bella Medical Spa.

After a discussion and review of the Stipulations of Fact, the Board found that Bella Medical Spa had violated the Tennessee Massage Licensure Board statutes and regulations including T.C.A. 63-18-108(7), 63-18-104(a)(b) and TENN.COMP.R. & REGS 0870-01-.02(1), and that the conduct constitutes grounds for discipline. Ms. Vickers made a motion, seconded by Ms. Newberry, to approve the consent order. The motion carried. Bella Medical Spa’s establishment license was reprimanded and placed on probation until at least October 31, 2022. Ms. Boles (Bella Medical Spa) is required to pay thirteen (13) Type B civil penalties in the amount of one hundred dollars (\$100.00) each, representing one such penalty for each month the establishment operated on a lapsed license, for a total civil penalty of one thousand three hundred dollars (\$1300.00). Ms. Boles (Bella Medical Spa) also must pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars \$2,000.00. Once all civil penalties and cost have been paid and, once October 31, 2022, has passed, the probation will be lifted, and the license shall return to an encumbered state.

Madison Cantero, LMT – 9163

Ms. Jessica Turner, Board Attorney, presented and discussed the consent order for Madison Cantero. Ms. Cantero was granted license (9163) by the Board as a Massage Therapist on October 24, 2011 and has a current active license until August 31, 2023. From about January 2012 to August 2018, Ms. Cantero practiced massage therapy at an unlicensed establishment located at 131 Cherry Street, Dunlap, TN 37327. Furthermore, from about September 2019 to May 2020, she practiced massage therapy on a lapsed license.

After a discussion and review of the Stipulations of Fact, the Board found that Ms. Cantero had violated the Tennessee Massage Licensure Board statutes and regulations including T.C.A 63-18-108(7)(10) and 63-18-104(a)(b), and that her conduct constitutes grounds for discipline. Ms. Vickers made a motion, seconded by Mr. Mullins, to approve the consent order. The motion carried. Ms. Cantero's massage license was reprimanded, and she is required to pay six (6) Type A civil penalties in the amount of one hundred dollars (\$100.00) each, representing one such penalty for each month she practiced on a lapsed license after the three (3) month grace period, for a total of six hundred dollars (\$600.00). Ms. Cantero shall pay sixty (60) Type A civil penalties in the amount of one hundred dollars (\$100.00) each, representing each month she practiced in an unlicensed establishment, for a total of six thousand dollars (\$6000.00). The total civil penalties assessed and owed is six thousand six hundred dollars (\$6,600.00). Ms. Cantero also must pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars \$2,000.00.

Allison Buckley, LMT – 6295

Ms. Jessica Turner, Board Attorney, presented and discussed the consent order for Allison Buckley. Ms. Buckley was granted license (6295) by the Board as a Massage Therapist on September 14, 2006 and has a current active license until January 31, 2024. Ms. Buckley worked at Gould's Day Spa and Salon Houston Levee, located at 3670 S. Houston Levee Rd, Suite 107, Collierville, TN 38017. Gould's Day Spa and Salon Houston Levee, establishment license 1990, was licensed May 17, 2006, and has a current expiration date of October 31, 2022. From about June 1, 2014, to December 28, 2018, the establishment operated, and Ms. Buckley performed massage services at the business while the license was in expired status. Ms. Buckley stated that she knew establishments must be licensed but was unaware that Gould's Day Spa and Salon Houston Levee had allowed their establishment license to expire.

After a discussion and review of the Stipulations of Fact, the Board found that Ms. Buckley had violated the Tennessee Massage Licensure Board statutes and regulations including T.C.A 63-18-108(10), and that her conduct constitutes grounds for discipline. Ms. Vickers made a motion, seconded by Ms. Newberry, to approve the consent order. The motion carried. Ms. Buckley's massage license was reprimanded, and she is required to pay four (4) Type C civil penalties in the amount of one hundred dollars (\$100.00) each, representing one such penalty for each year or portion of a year that Ms. Buckley practiced at Gould's Day Spa and Salon Houston Levee while the establishment license was expired, for a total of four hundred dollars (\$400.00). Ms. Buckley also must pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars \$2,000.00.

Gould's Day Spa and Salon Houston Levee – 1990 (David & Phillip Gould)

Ms. Jessica Turner, Board Attorney, presented and discussed the consent order for Gould's Day Spa and Salon Houston Levee owned and operated by Mr. David & Phillip Gould, located at 3670 S. Houston Levee Rd, Suite 107, Collierville, TN 38017. Gould's Day Spa and Salon Houston Levee, establishment license 1990, was licensed May 17, 2006, and has a current expiration date of October 31, 2022. From about June 1, 2014, to December 28, 2018, the establishment operated and offered massage services at the business while the license was in expired status. During the timeframe the establishment license was expired, at least nine (9) massage therapist practiced and performed massages at Gould's Day Spa and Salon Houston Levee.

After a discussion and review of the Stipulations of Fact, the Board found that Gould's Day Spa and Salon Houston Levee had violated the Tennessee Massage Licensure Board statutes and regulations including T.C.A. 63-18-108(7), 63-18-104(a)(b) and TENN.COMP.R. & REGS 0870-01-.02(1), and that the conduct constitutes grounds for discipline. Ms. Vickers made a motion, seconded by Ms. Newberry, to approve the consent order. The motion carried. Gould's Day Spa and Salon Houston Levee's establishment license was reprimanded and placed on probation until at least October 31, 2022. Mr. David & Phillip Gould (Gould's Day Spa and Salon Houston Levee) is required to pay four (4) Type A civil penalties in the amount of one thousand dollars (\$1000.00) each, representing one such penalty for each year the establishment operated on a lapsed license, for a total civil penalty of four thousand dollars (\$4000.00). Mr. David & Phillip Gould (Gould's Day Spa and Salon Houston Levee) also must pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars \$3,000.00. Once all civil penalties and cost have been paid and, once October 31, 2022, has passed, the probation will be lifted, and the license shall return to an encumbered state.

Tracey Hudson, LMT – 2925

Ms. Jessica Turner, Board Attorney, presented and discussed the consent order for Tracey Hudson. Ms. Hudson was granted license (2925) by the Board as a Massage Therapist on November 7, 2001 and has a current active license until April 30, 2023. Ms. Hudson worked at Gould's Day Spa and Salon Houston Levee, located at 3670 S. Houston Levee Rd, Suite 107, Collierville, TN 38017. Gould's Day Spa and Salon Houston Levee, establishment license 1990, was licensed May 17, 2006, and has a current expiration date of October 31, 2022. From about June 1, 2014, to December 28, 2018, the establishment operated, and Ms. Hudson performed massage services at the business while the license was in expired status. Ms. Hudson stated that she knew establishments must be licensed but was unaware that Gould's Day Spa and Salon Houston Levee had allowed their establishment license to expire.

After a discussion and review of the Stipulations of Fact, the Board found that Ms. Hudson had violated the Tennessee Massage Licensure Board statutes and regulations including T.C.A 63-18-108(10), and that her conduct constitutes grounds for discipline. Ms. Newberry made a motion, seconded by Mr. Mullins, to approve the consent order. The motion carried. Ms. Hudson's massage license was reprimanded, and she is required to pay four (4) Type C civil penalties in the amount of one hundred dollars (\$100.00) each, representing one such penalty for each year or portion of a

year that Ms. Hudson practiced at Gould's Day Spa and Salon Houston Levee while the establishment license was expired, for a total of four hundred dollars (\$400.00). Ms. Hudson also must pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars \$2,000.00.

Stacey Miller, LMT – 9804

Ms. Jessica Turner, Board Attorney, presented and discussed the consent order for Stacey Miller. Ms. Miller was granted license (9804) by the Board as a Massage Therapist on February 27, 2013 and has a current active license until June 30, 2022. Ms. Miller worked at Gould's Day Spa and Salon Houston Levee, located at 3670 S. Houston Levee Rd, Suite 107, Collierville, TN 38017. Gould's Day Spa and Salon Houston Levee, establishment license 1990, was licensed May 17, 2006, and has a current expiration date of October 31, 2022. From about June 1, 2014, to December 28, 2018, the establishment operated, and Ms. Miller performed massage services at the business while the license was in expired status. Ms. Miller stated that she knew establishments must be licensed but was unaware that Gould's Day Spa and Salon Houston Levee had allowed their establishment license to expire.

After a discussion and review of the Stipulations of Fact, the Board found that Ms. Miller had violated the Tennessee Massage Licensure Board statutes and regulations including T.C.A 63-18-108(10), and that her conduct constitutes grounds for discipline. Ms. Vickers made a motion, seconded by Ms. Newberry, to approve the consent order. The motion carried. Ms. Miller's massage license was reprimanded, and she is required to pay four (4) Type C civil penalties in the amount of one hundred dollars (\$100.00) each, representing one such penalty for each year or portion of a year that Ms. Miller practiced at Gould's Day Spa and Salon Houston Levee while the establishment license was expired, for a total of four hundred dollars (\$400.00). Ms. Miller also must pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars \$2,000.00.

Sue Perry, LMT – 10157

Ms. Jessica Turner, Board Attorney, presented and discussed the consent order for Sue Perry. Ms. Perry was granted license (10157) by the Board as a Massage Therapist on July 23, 2013 and has a current active license until September 30, 2022. Ms. Perry worked at Gould's Day Spa and Salon Houston Levee, located at 3670 S. Houston Levee Rd, Suite 107, Collierville, TN 38017. Gould's Day Spa and Salon Houston Levee, establishment license 1990, was licensed May 17, 2006, and has a current expiration date of October 31, 2022. From about June 1, 2014, to December 28, 2018, the establishment operated, and Ms. Perry performed massage services at the business while the license was in expired status. Ms. Perry stated that she knew establishments must be licensed but was unaware that Gould's Day Spa and Salon Houston Levee had allowed their establishment license to expire.

After a discussion and review of the Stipulations of Fact, the Board found that Ms. Perry had violated the Tennessee Massage Licensure Board statutes and regulations including T.C.A 63-18-108(10), and that her conduct constitutes grounds for discipline. Mr. Mullins made a motion, seconded by Ms. Vickers, to approve the consent order. The motion carried. Ms. Perry's massage

license was reprimanded, and she is required to pay four (4) Type C civil penalties in the amount of one hundred dollars (\$100.00) each, representing one such penalty for each year or portion of a year that Ms. Perry practiced at Gould's Day Spa and Salon Houston Levee while the establishment license was expired, for a total of four hundred dollars (\$400.00). Ms. Perry also must pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars \$2,000.00.

Abigail Kite, LMT – 12411

Ms. Jessica Turner, Board Attorney, presented and discussed the consent order for Abigail Kite. Ms. Kite was granted license (12411) by the Board as a Massage Therapist on February 12, 2018 and has a current active license until May 31, 2023. Ms. Kite worked at Andante Day Spa, located at 800 Kirkwood Ave, Nashville, TN 37204. Andante Day Spa, establishment license 1279, was licensed May 11, 2004, and had an expiration date of October 31, 2020. From about June 1, 2016, to November 1, 2018, the establishment operated, and Ms. Kite performed massage services at the business from March 2018 to December 2018 while the license was in expired status. Andante Day Spa's license was in expired status when Ms. Kite began practicing massage at the establishment. Ms. Kite stated that she was unaware that Andante Day Spa had allowed their establishment license to expire and typically only worked one (1) or two (2) days a week at the establishment.

After a discussion and review of the Stipulations of Fact, the Board found that Ms. Kite had violated the Tennessee Massage Licensure Board statutes and regulations including T.C.A 63-18-108(10), and that her conduct constitutes grounds for discipline. Ms. Vickers made a motion, seconded by Mr. Mullins, to approve the consent order. The motion carried. Ms. Kite's massage license was reprimanded, and she is required to pay one (1) Type C civil penalties in the amount of one hundred dollars (\$100.00), representing a penalty for practicing at an establishment with an expired license for less than one year. Ms. Kite also must pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00.

Chao Wang, L.M.T – 10201

Ms. Jessica Turner, Board Attorney, presented and discussed the consent order for Chao Wang. Mr. Wang was granted license (10201) by the Board as a Massage Therapist on September 19, 2013 and has a current active license until November 30, 2023. Mr. Wang originally received a passing MBLEx score, but on or about September 2018. Mr. Wang was notified by the FSMTB that the MBLEx score was invalid and there was a twelve (12) month waiting period before reapplying to take the exam. Mr. Wang had continued to hold himself out as a qualified licensed massage therapist in Tennessee despite failing to meet the qualifications for licensure in Tennessee after his MBLEx scores were invalidated.

After a discussion and review of the Stipulations of Fact, the Board found that Mr. Wang had violated the Tennessee Massage Licensure Board statutes and regulations including T.C.A 63-18-108(1)(7)(12), and that his conduct constitutes grounds for discipline. Ms. Vickers made a motion, seconded by Mr. Mullins, to approve the consent order. The motion carried. Mr. Wang's massage therapist license was revoked, and he must pay all actual and reasonable costs of prosecuting the

case not to exceed above Three Thousand Dollars \$3,000.00.

Sandra Gwaltney, LMT – 2782

Ms. Jessica Turner, Board Attorney, presented and discussed the consent order for Sandra Gwaltney. Ms. Gwaltney was granted license (2782) by the Board as a Massage Therapist on October 9, 2001 and has a current active license until June 30, 2022. From about June 2018 to March 2020, Ms. Gwaltney practiced massage therapy on a lapsed license.

After a discussion and review of the Stipulations of Fact, the Board found that Ms. Gwaltney had violated the Tennessee Massage Licensure Board statutes and regulations including T.C.A 63-18-108(7) and 63-18-104(a)(b), and that her conduct constitutes grounds for discipline. Ms. Vickers made a motion, seconded by Ms. Newberry, to approve the consent order. The motion carried. Ms. Gwaltney's massage license was reprimanded and placed on probation until at least June 30, 2022 and continued until all fines and civil penalties are paid in full. She is required to pay eighteen (18) Type B civil penalties in the amount of eighty dollars (\$80.00) each, representing one such penalty for each month she practiced on a lapsed license after the three (3) month grace period, for a total of one thousand four hundred forty dollars (\$1440.00). Ms. Gwaltney also must pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars \$2,000.00.

The Board adjourned at 7:15 pm.