

Minutes  
Tennessee Massage Licensure Board  
May 11, 2020

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 (Webex Meeting)  
HRB Conference Center  
1<sup>st</sup> 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

The meeting was called to order at 9:04 a.m. by Ms. Marvis Burke, Chairperson. Ms. Burke acknowledged and thanked the therapists, schools, and students joining the meeting by WebEx. Ms. Burke stated that for members of the public who wished to speak at the meeting, they should use the WebEx function to raise their hand 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: 12:50**

Ms. Hodge stated that she had been working with CE broker and licensees may now upload their CE's into CE broker's database. She also stated that the first school licensure day went very well, and that the other licensure days had been cancelled and will be rescheduled as soon as possible, COVID 19 permitting. Ms. Hodge also explained the FSMTB's new procedure for applying for the MBLEx exam.

Mr. Guilford asked the Board to discuss and vote on whether the legal requirements as set out by the Governor's office for a virtual meeting have been met. After a brief discussion, a motion

was made by Dr. Bolden, seconded by Mr. Mullins, that the Board agreed that the requirements were met, that no other people were with each Board member, and that all votes shall be taken by roll call at this meeting. After a roll call vote, the motion carried.

**Approve the Minutes from the February 10, and 11, 2020 Board meetings –Time: 19:50**

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the minutes as written. A roll call vote was conducted, and the motion carried.

**Receive an Update Regarding the Massage Board’s Self-Sufficiency Hearing Before the Joint Government Operations Committee on January 27, 2020. – Time: 22:30**

Ms. Noranda French stated that action is needed. The Board had been given authorization to proceed, and they will need to vote to commence the Rulemaking process. Ms. French reminded the Board that they had discussed six objectives to operate without a deficiency, including fee increases. The peer assistance program had been awarded as a three-year contract at \$26,000.00 per year. Ms. French stated that once the Board is back in the black, establishment inspections will be approved. Two full fiscal years are expected to pass before the Board will see the results of the implemented changes.

After hearing from Ms. French and Mr. Guilford, a motion was made by Mr. Velker, seconded by Mr. Mullins to authorize a rulemaking hearing to amend the Rules. After some discussion, a roll call vote was conducted, and the motion carried.

**Receive Reports and/or Requests from the Board Director/Manager**

**Administrator/Director’s Report – Time: 31:54**

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 May 6, 2020 there were 4,486 licensed massage therapists and 1,740 licensed massage establishments.

Following is the license status since the last meeting:

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>February 2020</b>	<b>February 2020</b>
Newly Licensed – 26	Newly Licensed – 21

Reinstate Applications – 10	Reactivation Applications – 2
Retired- 6	Retired – 5
New Applications- 29	New Applications- 14
	Address / Responsible Person Change Application - 2

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>March 2020</b>	<b>March 2020</b>
Newly Licensed – 27	Newly Licensed – 15
Reinstate Applications – 7	Reactivation Applications – 3
Retired- 15	Retired – 10
New Applications- 33	New Applications- 24
	Address / Responsible Person Change Application - 7

<b>THERAPISTS</b>	<b>ESTABLISHMENTS</b>
<b>April 2020</b>	<b>April 2020</b>
Newly Licensed – 26	Newly Licensed – 9
Reinstate Applications – 6	Reactivation Applications – 1
Retired- 3	Retired – 8
New Applications- 25	New Applications - 5
	Address / Responsible Person Change Application - 2

## **INTERNET**

In April, 88 licensees renewed their licenses via the website for a usage rate of 83%.The administrative staff is asking that all Board members get the word out about renewing online and would ask the Board members use this tool to renew their licenses.

### **Continuing Education Report**

From July 2019 to November 2019, 79 massage therapists were audited. Of those audited, 59 licensees, or 78 percent, were compliant with their audits; 20 licensees, or 22 percent, were non-compliant. Of those who were non-compliant, 11 were deficient in the required number of continuing education hours, and 6 failed to contact the Compliance Unit after receiving “Second Notice of Audit Letter” via certified mail.

### **Investigation/Disciplinary Reports – Time: 35:10**

This report was brought by Ms. Lori Leonard of the Disciplinary Coordinator’s office. The Disciplinary Coordinator’s office was currently monitoring 21 licensees under reprimand; 69 under probation; 38 under suspension; 51 under revocation or surrender; and 3 regarding child

support whose licenses are expired. For massage establishments, 30 were currently being monitored.

For massage therapists, 31 new complaints had been received in 2020 by the Office of Investigations. Of those complaints, 5 were for sexual misconduct; 2 for unlicensed practice; 10 for unprofessional conduct; 1 for lapsed license; 1 for mental or physical impairment; and 12 for CE violation. For massage therapists, 24 complaints had been closed in 2020. Of those complaints, 2 were closed for insufficient evidence to formally discipline; 11 were closed and sent to Office of General Counsel for formal discipline; 5 closed with no action; 1 closed with a letter of concern; and 5 were closed with a letter of warning. The Office of Investigations currently has 32 complaints open and being reviewed.

For massage establishments, 11 new complaints had been received in 2020 by the Office of Investigations. Of those complaints, 1 was for sexual misconduct; 2 for unlicensed practice; 3 for unprofessional conduct; 2 for lapsed license; and 3 were outside of the investigative scope. For massage establishments, 19 complaints had been closed in 2020. Of those complaints, 6 were closed for insufficient evidence to formally discipline; 6 closed with no action taken; 2 closed with a letter of concern; and 5 were closed with a letter of warning. The Office of Investigations currently has 34 complaints open and being reviewed.

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

**Financial Report**

There was no financial report presented at this meeting.

**Discuss Legislation**

There was no legislation report at this meeting.

**Tennessee Professional Assistance Program Statistical Report Regarding the Peer Assistance Program – Time: 40:23**

Mr. Mike Harkreader of TnPAP presented this report.

**ACTIVITY REPORT**

July 1, 2019–March 31, 2020

	Massage Therapist	Establishment
<b>Monitoring</b>	9	0
<b>Participation Type</b>		

	Regulatory	2	0
	Non-regulatory	7	0
		<b>Referral</b>	10 1
<b>Referral Source</b>	MLB administrative office	10	1
<b>Referral Reason</b>	Arrest History	9	1
	Unethical conduct	1	0
		<b>Agreements Activated</b>	8 0
		<b>Discharge</b>	13 1
<b>Discharge Reason</b>			
	Agreement completed	5	0
	Evaluated; declined recommendations	1	0
	Declined services/treatment	3	
	Evaluated; MA not recommended	3	1
	Monitoring noncompliance	1	0

Mr. Harkreader noted that Ms. Elaine Eaton retired from TnPAP as of January 1, 2020, and Ms. Rachel Talley has taken her place as Executive Director. Mr. Velker thanked TnPAP for continuing to work with the Board.

**Ratify Agreed Citations for Continuing Education Violations and Lapsed Licenses – Time: 46:50**

**Brittany Michelle Williford, LMT #12322**

Ms. Williford agreed to pay a total Civil Penalty of \$200.00 for practicing massage on a lapsed license for five (5) months.

**Cheryl Calina Burns, Luxehouse Day Spa, ME #4305**

Ms. Burns agreed to pay a total Civil Penalty of \$200.00 for operating a massage establishment on a lapsed license for five (5) months.

**Cynthia Phillips, LMT, Mountain Escape Spa, ME #182**

Ms. Phillips agreed to pay a total Civil Penalty of \$1,100.00 for operating a massage establishment on a lapsed license for eleven (11) months.

**Erika Shanell Ganaway, LMT #11537**

Ms. Ganaway agreed to pay a total Civil Penalty of \$100.00 for practicing massage on a lapsed licensed for four (4) months.

**Karen Sue Fletcher, LMT #5074**

Ms. Fletcher agreed to pay a total Civil Penalty of \$200.00 for practicing massage on a lapsed license for five (5) months.

A motion was made by Mr. Velker, seconded by Dr. Bolden, to approve the agreed citations for lapsed licenses and continuing education violations. After a roll call vote, the motion carried.

**Ratifications**

**New Licenses**

**Massage Therapists**

Alexander Ashley L	Bain Melissa Faye
Andersen Alyssa Marie	Bates Debbie Michelle
Anderson Brittany Dannielle	Beverly Ingrid Anna
Ansley Tamara Kay	Borjas Nastassia
Argueta Sergio J	Bose Suzanne Rene
Brown Jerrika Leshae	Malbrough Amber Breanne
Carter Meghan Nicole	McGinnis Tina Larhea
Cornell Lori Lynn	Mcmahan Jennifer Leann
Cox Zachary Alexander	Miller Trae Joseph
Dawkins Ashley Lynn	Morgan David Eugene
Dear Tracie Lee	Ortega Rebecca Gloria
Dorsey Kerrie Lynn	Phillips Sarah Elizabeth
Duck Jessica Dalee	Potts Elizabeth Leanne
Dunn Aidan Nakai	Price Jadrian Leshae
Eames Hannah Michelle	Riffle Julie Lynn
Eliezer James	Robinson Whitney S
Ellenburg Whitney Michelle	Russell Christopher Scott

Estes Billy Jacob	Ryan Justin Elliott
Fisser Sabrina	Sellers Tristen Allyn
Grabenstein Joy Lynn	Shade Amanda Lynn
Graham Audrey L	Skelton Jocelyn Marie
Haas Helen Marie	Smith Allison Elaine
Hawley Abigail Marie	Strautman Melissa Howard
Head Brittany Danielle	Tate Stephanie Spring
Hennigh Andrew Robert Sheffer	Walls Karlie Marie
Hill Jennifer Joy	Walther Allison Kay
Hill Nataliah Elaine	Wong Michelle Yi
Honackie Angela	Wright Latisha Annette
Justice Paul Edward	Wright Stephanie Antaya
Kennedy Ryan Matthew	Zona Veronica M
Kiser Kristy Marie	
Kreuger Nikki Leigh	
Latimer Cori Sean	
Lewis Mariah Lea	
Long Rhonda Nadine	
Lynch Darcy Marcena	
Lyons Lauren Elizabeth	

**Massage Establishments**

Private Edition	Celestial Touch
Anna E. Simpson	Centered
Back 2 Health Llc	Elizabeth Potts Lmt
Balanced You	Fire And Ice Cryo Med Spa
Butterfly Dome Bodyworkers Llc	Greenhouse Spa

Harmony Health Coach	Restorative Massage Of The Smokies
Holiday Salon & Bathhouse	Rooted Healing Arts
In The Spalight	Sarah Jane Massage
Jc Enterprise Llc	Serene Salt Stone Massage And Spa
Julia Rizzo Lmt	Seven
Kinetics Wellness Studio	Skin Sanctuary Spa
Luxe & Luna	Tension Prevention & Bodywork
Maoxing Llc Dba Big Foot Massage	Top Rehab Services Inc
Massage By Liz	Unity Massage
Massage By Yvonna	Vera Massage
Massage De Khalfani	Wellness @ Petra'S

Massage Institute Of Cleveland	Wn Hospitality Llc DbA The Joseph Nashville
Melissa Curran Yoga & Massage	Womankind Massage And Wellness
New Lease On Life Body And Energy Work Pc	Womankind Massage And Wellness Chapel Hill
Novel Chiropractic	Yu Massage Llc
Relax Massage 2	

### **Reinstatements/Reactivations**

### **Massage Therapists**

Cantero Madison Nicole
Coleman Rebecca Burks
Edmonds Lauren A
Fletcher Karen Sue
Ganaway Erika Sherell
Gwaltney Sandra Natalie
Henley Christopher John
Jasper Cinthia Lillian
Johnson Tanya Renee
Paluzzi Nanci Elin
Parkerson Melissa M.
Scott Tracey Laraine
Smith Kimberly Hoppers
Warren Hanna Elizabeth
Whitehead Adam Charles
Williford Brittany Michelle
Wilson Mark

### **Massage Establishments**

A Affordable Rehab & Massage
Belle Forest Massage
Heavens Healing Hands Spa
Lafleur'S Healing Arts
Luxenhaus Day Spa
Mountain Escape Spa
Revive Massage
Tangles Salon Suites & Spa



The Massage Gardens
The Total Image Full Salon

A motion was made by Dr. Bolden, seconded by Ms. Vickers, to ratify the approved massage therapist and massage establishment new licenses, reinstatements, and reactivations. A roll call vote was conducted, and the motion carried.

**Ratify Continuing Education Courses – Time: 49:50**

**Kelly Hughs, LMT – Tennessee Law**

**Cathy Singleton – Sacred Touch – Introduction to Basic Energy Healing**

**Gregory A. Montgomery - Quantum Relief Nutritional Mapping**

The Board discussed Mr. Mullins’s concerns about Mr. Montgomery’s course. Those concerns included that the course sells a product that is a part of a multilevel marketing company, and this seemed to Mr. Mullins that this was a conflict of interest. Dr. Bolden stated that nutritional counseling was outside the scope of massage therapists. After some discussion, a motion was made by Mr. Velker, seconded by Ms. Yarbrough, to approve Ms. Hughs and Ms. Singleton’s courses. A roll call vote was conducted, and the motion carried. A motion was made by Mr. Velker, seconded by Dr. Bolden, to not approve Mr. Montgomery’s course. A roll call vote was conducted, and the motion carried.

**Review Board Correspondence**

**Martha Graham – CE Suggestions**

Ms. Graham asked the Board to make a policy regarding use of a virtual classroom for continuing education in cupping. The Board heard from Ms. Yarbrough, and decided to address this correspondence at a later point in the agenda.

**Maj-Lis Nash, Elaine Hackerman, and TMTA – 2019/2020 Continuing Education**

Ms. Nash, LMT, Ms. Elaine Hackerman, LMT, and the TMTA all sent in correspondence requesting that the Board consider different ideas including asking if the Board would approve all continuing education for the 2019/2020 cycle to be completed online, or to waive the entire 24 hours for that cycle for all licensees; allow any hours completed during that cycle to be carried over to the 2021/2022 cycle; that the Board return to the practice of emailing all licensees with any change in policy and/or Rules; and that the Board allow massage schools to immediately and/or retroactively offer certain initial education hours online.

**TMTA**

The TMTA correspondence requested that the Board not require any continuing education hours for the current 2019/2020 continuing education cycle. It also requested that any hours completed during this cycle be counted towards the 2021/2022 cycle.

**Ms. Maj-Lis Nash, LMT**

Ms. Nash requested that the Board increase the number of continuing education hours allowed to be completed online from 8 to 24 for the 2019/2020 cycle.

**Elaine Hackerman, LMT**

Ms. Hackerman requested that some of her continuing education hours that she planned to complete be applied to the 2021/2022 cycle.

The Board decided to address these correspondences at a later point in the agenda, since there was an agenda item later in the day about this topic.

**Bethann Easterly, LMT – Continuing Education**

Ms. Easterly asked the Board to consider allowing her to count a continuing education course which she had signed up for but was then postponed to be counted towards the 2019/2020 even if it is postponed until 2021. Ms. Easterly also asked that all continuing education hours for 2019/2020 be permitted to be completed online. The Board decided to address this correspondence at a later point in the agenda.

**Tina McMillian, LMT - Webinar (Aromatherapy)**

Ms. McMillian asked if the Board would approve her to teach her aromatherapy course as a live webinar. The Board had already approved the course as an in-classroom course. After some discussion, the Board decided to address this correspondence at a later point in the agenda.

**Dee Vickers, LMT – Stretching**

Ms. Vickers asked the Board to discuss and determine whether “stretching” sessions offered by non-massage therapists were a violation of the Practice Act. The Board heard from Ms. Vickers and Mr. Guilford. After much discussion, and hearing public comments, the board decided to discuss this matter further at the next Board meeting, to allow time for further research and public comments and information to be received.

The Board took a brief break. When they reconvened, Ms. Hodge conducted a roll call to establish a quorum. A quorum was established.

### **Osher Center – Brian Wingate – Telehealth**

Mr. Wingate asked the Board to adopt a policy regarding the use of telehealth for massage therapy. The Board heard from Mr. Guilford that after the Governor's Executive Order allowing healthcare practitioners who are not permitted to diagnose are permitted to practice telehealth expires on May 18, 2020, massage therapists will no longer be allowed by law to practice telehealth. The Board also heard comments from the public on this correspondence, including Mr. Steve Sommers, Ms. Maj-Lis Nash, and Ms. Laura Emberton.

### **Osher Center – Adrian MacKenzie, LMT and Taylor Koval – Interactive Video for Self-Care**

Mr. MacKenzie and Mr. Koval asked the Board to consider an interactive video format to allow massage therapists to teach their clients self-care.

After much discussion, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to create a response to questions about massage and telehealth that would direct the licensees to the webpage with the Governor's Executive Orders. A roll call vote was conducted, and the motion carried.

Ms. Noranda requested that we correct a technical error in the record for this meeting: the award for the Peer Assistance Program contract was for \$28,000, not \$26,000 as previously stated. A motion was made by Mr. Velker, seconded by Dr. Bolden, to correct the technical record to reflect the correct amount. A roll call vote was taken, and the motion carried.

The Board took a brief break. Upon their return, a roll call was conducted by Ms. Kim Hodge to establish a quorum. A quorum was established.

### **Applicant Interviews**

#### **Andrea Edwards – Legendary Massage**

Ms. Edwards applied for a massage establishment license for Legendary Massage at 117 Wexler Street, Kingsport, Tennessee 37660. Ms. Edwards was previously brought before the Board in May of 2019 for operating and practicing as a licensed massage therapist in an unlicensed establishment from August 2016 to March 2018. Her massage therapist license was placed on probation for 1 year and until she paid civil penalties of \$4,500.00 plus costs not to exceed \$2,000.00. At the time of this meeting, Ms. Edwards' license was still on probation. The Board heard from Ms. Edwards, Ms. Hodge, and Mr. Guilford. A motion was made by Mr. Velker, seconded by Mr. Mullins, to approve Ms. Edwards' application for a massage establishment license contingent upon her payment of all fines and costs and the removal of her massage therapist from probation. A roll call vote was taken, and the motion carried.

### **Rebecca Rae Caldwell, LMT**

Ms. Caldwell applied to reinstate her expired massage therapist license. Per continuing education audit documents, Ms. Caldwell failed to obtain 25 hours of continuing education during the cycle of 2013/2014. Ms. Caldwell did not respond to attempts to contact her about this deficiency. Case #201802835 was closed in the Office of Investigations because Ms. Caldwell's massage therapist license expired in June 2018. The Board heard from Ms. Caldwell, Ms. Hodge, and Mr. Guilford, who said he had prepared a conditional license agreement for the Board to consider. After much discussion, a motion was made by Mr. Velker to grant a conditional reinstatement of Ms. Caldwell's license upon completion of 55 hours of continuing education, at which point the license will be issued, and allowing six months to complete payment of \$2,000.00 in civil penalties. After further discussion, a motion was made by Mr. Velker to establish \$2,000.00 as the amount of civil penalties that Ms. Caldwell would be required to pay in this case. The motion was seconded by Mr. Mullins. A roll call vote was taken, and the motion carried. A motion was then made by Ms. Vickers, seconded by Mr. Velker, that Ms. Caldwell be required to complete 55 hours of continuing education, all of which except the two 2 hour Tennessee massage law courses, can be completed in an in-classroom, live webinar, or multimedia format, before her conditional license will issue, while allowing a total of 12 months for Ms. Caldwell to complete the payment of the \$2,000.00 civil penalties. A roll call vote was taken, and the motion carried.

### **Lori Ashley Fitts, LMT**

Ms. Fitts applied to reinstate her expired massage therapist license. Per case #201802686, Ms. Fitts worked at an unlicensed establishment (Smiley Chiropractic, which was denied a massage establishment license by the Board in 2018) from about February 2014 to February 2018. Ms. Fitts worked at Smiley Chiropractic while her massage therapist license was expired from February 2017 to February 2018. The case was closed in the Office of Investigations because Ms. Fitts's massage therapist license remained expired. The Board heard from Ms. Fitts, Mr. Guilford, and Ms. Hodge. After much discussion, a motion was made by Mr. Velker, seconded by Mr. Mullins, to grant Ms. Fitts a conditional license contingent upon paying the applicable civil penalty fines of \$2,150.00 within one year, but the license shall issue immediately. A roll call vote was conducted, and the motion passed.

### **Ruby Renee Simms, LMT**

Ms. Simms applied to reinstate her voluntarily retired massage therapist license. Per case #201803596 in the Office of General Counsel (OGC), Ms. Simms was charged with prostitution by the Murfreesboro, Tennessee police. The case was retired with no conviction. Police have a video and audiotape of the interaction which has not been shared with OGC. Ms. Simms retired her massage therapist license. Ms. Simms's interview was deferred to this meeting from the February 2020 meeting at her request. Ms. Simms and her attorney, Mr. Freeman, called into the meeting and were present. The Board heard from Mr. Guilford and Ms. Hodge. A motion was

made by Dr. Bolden, seconded by Ms. Yarbrough, to approve Ms. Simms' application to reinstate her license. A roll call vote was conducted, and the motion carried.

### **Ryan James McGough**

Mr. McGough applied for a massage therapist license, and requested to come before the Board at this meeting. Mr. McGough attended Big Island Academy of Massage in Hilo, HI. The transcript submitted by the former director of the school shows that Mr. McGough graduated on June 11, 2016. The Hawaii Department of Education which regulates and licensed private post-secondary schools in Hawaii, stated that the school was closed and no longer licensed as of August 31, 2011. They do not have any records or transcripts from the school. If the unofficial transcript could be accepted, it showed that Mr. McGough was short of meeting the Tennessee educational requirements for licensure by 140 classroom hours of Science. Paperwork submitted with the transcript indicates approval for an apprenticeship program, but according to the Hawaii Board of Massage, they do not approve apprenticeship programs. The Board heard from Mr. McGough and Ms. Hodge. A motion was made by Mr. Velker, seconded by Ms. Yarbrough, to defer Mr. McGough's application to the August 2020 meeting to allow him time to transfer his hours to an approved educational program and complete an approved program. A roll call vote was conducted, and the motion carried.

### **Shantell Renee McCormick (TnPAP)**

Ms. McCormick applied for a massage therapist license. Ms. McCormick was referred to TnPAP because of her criminal convictions. She had entered into a six-month monitoring agreement with TnPAP. As of February 5, 2020, TnPAP had received a safety to practice statement from Ms. McCormick's therapists and was advocating for Ms. McCormick's safety to practice as a massage therapist. Per Ms. McCormick's request, her interview was deferred to this meeting from the February 2020 meeting. The Board heard from Ms. McCormick. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve Ms. McCormick's application for her massage therapist license. After hearing from Ms. Hodge, Dr. Bolden amended his motion to be contingent upon Ms. McCormick completing her TnPAP monitoring program on May 18, 2020. The Board heard from Mr. Harkreader of TnPAP and Mr. Guilford. A roll call vote was conducted, and the amended motion carried.

### **Sumalee Maneematcha Poonsawat**

Ms. Poonsawat applied for a massage therapist license. Ms. Poonsawat completed her massage education at Evons Beauty College in California on September 14, 2015. She submitted her application for licensure as a massage therapist in Tennessee on November 21, 2019. The CAMTC website shows that this school's application for approval was purged effective September 19, 2018, and states that the CAMTC is no longer accepting education from this school for licensure purposes as of January 17, 2019. The website does not show that the school was ever approved. Ms. Poonsawat's CAMTC license was approved on August 23, 2018, while

the school's application for approval was still pending with the CAMTC and well before the school's application was purged. The Board heard from Ms. Poonsawat, Ms. Hodge, and Mr. Guilford.

### **Receive Report and/or Requests from the Office of General Counsel**

This report was brought by Mr. Marc Guilford. The Office of General Counsel currently has about 90 open cases pertaining to the Massage Licensure Board, up slightly from 86 in February 2020. A few cases will be resolved at this meeting by settlement agreement and contested case hearings. We are working on a rulemaking to amend the rules relating to reciprocity licensure as discussed last year. We hope to have a rulemaking hearing at one of the board meetings later this year. The legislative session ended early due to the COVID-19 pandemic, but he stated that he believed the legislature may reconvene later this year to pass unfinished business. We are not aware of any bill specifically affecting the Massage Practice Act and we do not expect to have a report from our legislative liaison's office at this meeting.

### **Consent Orders**

#### **Mercedes Watkins, LMT #10484**

Ms. Watkins failed to obtain twenty-five (25) hours of continuing education during the cycle of 2015/2016. When she renewed her massage therapist license, she falsely indicated that she had completed all the required hours for that cycle. This Order would suspend Ms. Watkins massage therapist license until she completes a total of thirty-one (31) hours of approved continuing education. After completing those hours, her license would be placed on probation until she had paid total Civil Penalties of \$1,550.00 and costs not to exceed \$2,000.00.

### **Review and Revise If Necessary, Board Policy Regarding Distance Learning Discuss & Consider Rulemaking Regarding Distance Learning in Massage Schools (Time- 05:53:00)**

The current policy on Distance learning prohibits online education for Massage Therapy training. Mr. Bolden made a motion that the Board immediately rescinds that policy due to the Covid-19 pandemic. He suggested that the Board retroactively approve from March 15, 2020 up to 40% of Massage Therapy education be done online, including Tennessee Law and Ethics. Excluded from the 40% are Kinesiology, clinical and hands on Bodywork. Ms. Yarbrough seconded the motion. After a roll call vote, the motion carried.

### **Review, Discuss, and Revise If Necessary, the Requirements for the 2019/2020 Continuing Education Cycle (Time- 07:12:10)**

Discussion was held regarding at what capacity massage therapists would be audited and how the continuing education cycle should be governed for the 2019-2020 cycle. A motion was made by Mr. Bolden that classes may be taken in any multi-media format or live. The motion was seconded by Ms. Vickers and was passed with a roll call vote. An additional motion was made

by Mr. Velkers that agreed citations will not be sent out, only a letter of warning for hours not completed in the 2019-2020 cycle. Audits will continue to be performed at 5%. Mr. Bolden seconded the motion. The motion carried.

**Report Regarding Peer Assistance Contract Award (Time- 07:57:20)**

Ms. French presented the letter of award confirming the bid was won by the Tennessee Nursing Foundation TnPap. The new contractual amount will not exceed \$28,000 and the contract period is three (3) years with a two-year option to extend at the end of the third and the fourth years.

**Discuss and Consider Request for Continuing Education Waiver(s)**

There were no waivers to present at this meeting.

**Discuss and Take Action If Needed Regarding Rulemaking Hearings, Rule Amendments, and Policies**

There were no items to present at this meeting.

**Discuss and Take Action on School Approvals and /or Program Changes if Necessary (Time- 08:07:15)**

Daymar has requested to return as an active Massage School in Tennessee.

Gould's Academy is changing its name to Gould's Massage School and opening a second location in Memphis, Tennessee.

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve both schools' requests. A roll call vote was taken, and the motion carried.

**Receive Public Comments and Receive Future Board and Development Committee Agenda Items**

There were no public comments.

The Meeting was adjourned at 5:27 pm by a motion made by Mr. Velker and seconded by Mr. Bolden.