

**MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
NOVEMBER 8, 2017**

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

Location: 665 Main Stream Drive
HRB Conference Center
1st Floor, Iris Room
Nashville, TN 37243

Members Present: Ed Bolden, LMT Chairperson
Marvis Burke, LMT, Secretary
Bill Mullins, LMT
Michael Velker, Citizen Member
Cynthia Jagers, LMT
Christi Cross, Citizen Member
Virginia P. Yarbrough, LMT

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

The meeting was called to order at 9:13 a.m. by Dr. Ed Bolden, Board Chairperson. Dr. Bolden acknowledged and thanked Ms. Julie Wray, former Board member, and Ms. Lisa Lampley, Board Director for their service to the Board. He welcomed Mr. Mullins and Ms. Yarbrough to the Board 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 August 7, 8, 2017 and October 3, 2017 minutes, Ms. Cross made a motion, seconded by Ms. Burke, to approve the minutes as written. The motion carried.

Financial Report

Ms. Noranda French discussed the Boards Fiscal Year Report ending June 30, 2017. Ms. French reviewed the Board's FY 17 actual revenue and expenditures. She briefly discussed all other direct expenditures for the Board, which totaled \$379,596.67. The Board's total allocated expenditures for administration, legal, investigations and the cash office totaled \$477,531.05. The Board's total expenditures for FY 2017 were \$857,127.72; revenue of \$738,533.37; current year deficient of (-\$134,125.48); and a cumulative carryover of \$998,146.66. Ms. French provided the Board with a five (5) year expenditure comparison chart, a pie chart of revenue sources, and a bar chart that compared expenditures verses revenue for the past 9 years. She also briefly discussed the

Department's Licensure Fee policy and stated that the Board currently doesn't meet the criteria to cause a fee reduction

Applicant Interviews

YuanYuan Wang

Ms. YuanYuan Wang appeared before the Board at the August 7, 2017 Board meeting to answer and explain concerns regarding her educational transcript that was submitted from Tennessee School of Therapeutic Massage not matching the school that was listed on her MBLEx report. The Florida Career School of Massage and Bodyworks was the school she listed that she attended for her massage education on her MBLEx exam. At the August 7, 2017 meeting, Ms. Wang stated that she never attended Florida Career School of Massage and Bodyworks, but the school helped her complete and submit her application for the MBLEx exam without obtaining any massage education. In order to take the MBLEx exam, Ms. Wang falsely attested that she had completed the required educational components that are required to take the MBLEx exam. The Board deferred 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. Ms. Wang appeared before the Board at the November 8, 2017 meeting. Dr. Bolden informed the Board that Ms. Wang's MBLEx scores had been invalidated and therefore, she didn't meet the requirements for licensure. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Wang's massage therapist licensure application. Ms. Wang requested for her massage therapist file to be withdrawn from consideration. Ms. Cross made a motion, seconded Ms. Yarbrough, to deny Ms. Wang's massage therapist application based upon not meeting the requirements for licensure. The motion carried.

Tracy Wei Wang – JG Massage

Ms. Wang applied for an establishment license for JG Massage in Franklin, TN. She was requested to appear before the Board because her massage therapist application was denied by the Board at the October 24, 2016 meeting for graduating from an unapproved school. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Wang's massage establishment application. After a brief discussion, Mr. Mullins made a motion to approve Ms. Wang's establishment application. The motion failed. Mr. Velker made a motion, seconded by Ms. Cross to defer Ms. Wang's establishment application for JG Massage until the February 12, 2018 Board meeting, to allow Ms. Wang an opportunity to sign a lease with the property owner and submit the documentation to the Board Administrative Office. The motion carried.

Jian Fen Yang, LMT – Lucky Star Massage

Ms. Yang applied for an establishment license for Lucky Star Massage located at 6625 Maynardville Pike, Suite 101, in Knoxville, Tennessee. Ms. Yang was requested to appear before the Board because her two previous establishment applications were denied by the Board. 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 June 2017, Ms. Yang was denied an establishment license for Lucky Star Massage in Knoxville, TN. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Yang's massage establishment application. Ms. Yang presented a

signed lease for the establishment, Lucky Star, and for her home. After a brief discussion, Mr. Velker made a motion to approve the establishment application for Lucky Star. The motion failed. After further discussion, Mr. Mullins made a motion, seconded by Ms. Yarbrough to approve Ms. Yang's establishment application. The motion carried with Ms. Cross, Ms. Burke, and Ms. Jagers opposed.

Xiuwen Li – Wellness Reflexology

Mr. Xiuwen Li was not present for the meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with the application review in Mr. Li's absence. The motion carried. Mr. Li applied for an establishment license for Wellness Reflexology located at 2126 Abbott Martin Rd, Ste. 2016 in Nashville, TN. He was requested to appear before the Board because the Board had questions regarding Mr. Li's ownership. The Board had denied Mr. Zengjian Zhang's establishment application for Bodlex Inc. DBA Health Spa at the August 2017 meeting for allowing two unlicensed individuals to practice massage therapy in the establishment. The Board had questions for Mr. Xiuwen Li since he shared the same mailing address as Mr. Zengjian Zhang. Upon a brief discussion, Mr. Mullins made a motion, seconded by Ms. Cross, to deny Mr. Li's establishment application for Wellness Reflexology based upon 63-18-108(1). The motion carried. Mr. Li attended the November 9, 2017 Board meeting and requested that the Board reconsider their decision, but the Board declined to do so.

Congzhao Wang, LMT – Pressure Massage

Mr. Congzhao Wang was not present for the meeting and requested through his attorney, Zachary Tenry – The Tenry Law Firm, for his establishment application for Pressure Massage located at 101 Sherlake Lane Suite 104 in Knoxville, TN to be withdrawn. Mr. Wang was requested to appear before the Board to answer concerns regarding unlicensed individuals practicing massage therapy in other establishments that he owned and/or managed. Ms. Cross made a motion, seconded by Ms. Burke to deny the withdrawal request and proceed with the application review in Mr. Wang's absence. The motion carried. After a discussion, Ms. Cross made a motion, seconded by Ms. Burke to deny Mr. Wang's establishment application for Pressure Massage based on 63-18-108(6)(9). The motion carried.

Xiufang Wang – Tai Ji Massage

Ms. Xiufang Wang applied for an establishment license for Tai Ji Massage located at 101 Sherlake Lane Suite 104 in Knoxville, TN. Ms. Wang was present and was represented by her attorney, Hoai Robinette from the Law Offices of A. Philip Lomonaco. Ms. Wang was requested to appear before the Board to answer concerns regarding Ms. Wang's ownership of Tai Ji Massage. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Wang's massage establishment application. Mr. Congzhao Wang requested for his establishment application to be withdrawn for Pressure Massage on October 3, 2017 and Ms. Wang submitted her application to the Board for Tai Ji Massage on October 5, 2017. Upon review of her application the Board determined that Ms. Wang was associated with Mr. Congzhao Wang and Ms. Chunmie Cao. Ms. Wang first denied knowing Mr. Congzhao Wang and said that she was unaware that he had applied for an establishment license for 101 Sherlake Lane Suite 104. The Board Administrative Office pulled her massage therapist application, and submitted proof that Mr. Wang wrote a letter of recommendation for Ms. Xiufang Wang; that Ms. Wang shared the same mailing address as Mr. Congzhao Wang and Ms. Chunmie Cao; and she previously worked for them. The Board felt that

Ms. Wang was being untruthful in her interview and in her establishment application. After a detailed discussion, Ms. Cross made a motion, seconded by Ms. Burke, to deny Ms. Wang's establishment application for Tai Ji Massage based on 63-18-108(1)(9)(12).

Xiuhong Yang – Chinese Back Rub

Ms. Xiuhong Yang applied for an establishment license for Chinese Back Rub located at 10670 Parkside Drive, Suite #103 in Knoxville, TN. Ms. Yang was requested to appear before the Board to answer questions regarding inconsistencies in her establishment application, evidence that she opened and operated an establishment without a valid license, and evidence that she practiced massage therapy as an unlicensed massage therapist in her unlicensed establishment. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Yang's massage establishment application. Ms. Yang admitted that she owned and operated an unlicensed establishment and worked as an unlicensed therapist in Chinese Back Rub that was raided by the Knox Co. Sheriff Department in November 2017. The Board was also concerned that her letter of recommendation was written by Shuhua Zhang, but signed by Shuhua Wang. The Board was presented with evidence that she also shared the same mailing address as Congzhao Wang. The Board was skeptical that Ms. Yang was the owner of Chinese Back Rub, since an establishment at the same location had been operating for several years and run and/or run by Jin Harmon, Congzhao Wang, and Chunmei Cao, all of whom had allowed unlicensed individuals to practice massage in their establishments in the past. After a detailed discussion, Mr. Velker made a motion, seconded by Ms. Cross, to deny Ms. Yang's establishment application for Chinese Back Rub based on 63-18-108(7)(12). The motion carried.

Xiuhong Yang

Ms. Xiuhong Yang applied for a Tennessee massage therapist license. She was requested to appear before the Board because the Board was concerned that her letter of recommendation was written by Shuhua Zhang, but signed by Shuhua Wang. Ms. Yang was arrested in November 2017 by the Knox Co. Sheriff's Department for practicing massage therapy without a valid massage therapist license. She also opened and operated an unlicensed establishment. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Yang's massage therapist application. The Board was presented with evidence that she also shared the same mailing address as Congzhao Wang. The Board was skeptical that Ms. Yang was the owner of Chinese Back Rub, since an establishment at the same location had been operating for several years and run and/or run by Jin Harmon, Congzhao Wang, and Chunmei Cao, all of whom had allowed unlicensed individuals to practice massage in their establishments in the past. After a detailed discussion, Mr. Velker made a motion, seconded by Ms. Burke, to deny Ms. Yang's massage therapist application based on 63-18-108(7)(12). The motion carried.

Youhua Liu, LMT – Turkey Creek Massage

Ms. Youhua Liu is a licensed massage therapist and applied for a Tennessee massage establishment application for Turkey Creek Massage located at 10670 Parkside Drive, Suite #103, in Knoxville, TN. Ms. Liu was requested to appear before the Board to explain why she had operated Turkey Creek Massage establishment without a valid establishment license, and allowed an unlicensed individual (Xiuhong Yang) to practice in her unlicensed establishment. Ms. Liu stated that she worked at 10670 Parkside Drive, Suite 103, in Knoxville, TN for Ms. Xiuhong Yang and applied

for the establishment license to help Ms. Yang obtain her massage establishment license. The Board was troubled by the fact that Ms. Liu worked in an unlicensed establishment as well .concerned that Ms. Liu was not the true owner of the establishment. After a detailed discussion, Ms. Cross made a motion, seconded by Ms. Burke, to deny Ms. Liu's establishment application for Turkey Creek Massage based on 63-18-108(7)(12). The motion carried.

Junru Xu – Massage Therapy

Ms. Junru Xu applied for an establishment license for Massage Therapy located at 7337 Kingston Pike in Knoxville, TN. Ms. Xu was present and was represented by her attorney, Hoai Robinette from the Law Offices of A. Philip Lomonaco. She was requested to appear before the Board because her massage therapist application was denied by the Board at the June 7, 2017 meeting for graduating from an unapproved school. After Ms. Xu was denied, she went back to school and graduated from the Tennessee School of Therapeutic Massage in Knoxville, TN on August 11, 2017. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Xu's massage establishment application. After a detailed discussion, Ms. Cross made a motion, seconded by Mr. Velker to approve Ms. Xu's establishment license for Massage Therapy. The motion carried.

Junru Xu

Ms. Junru Xu applied for a Tennessee massage therapist license. Ms. Xu was present and was represented by her attorney, Hoai Robinette from the Law Offices of A. Philip Lomonaco. She was requested to appear before the Board because her massage therapist application was denied by the Board at the June 7, 2017 meeting for graduating from an unapproved school. After Ms. Xu was denied, she went back to school and graduated from the Tennessee School of Therapeutic Massage in Knoxville, TN on August 11, 2017. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Xu's massage establishment application. After a discussion, Mr. Velker made a motion, seconded by Ms. Yarbrough to approve Ms. Xu's massage therapist application. The motion carried with Ms. Cross and Ms. Jagers opposed.

Daryll Taylor – Physio Fitness, Inc.

Mr. Daryll Taylor was requested to appear before the Board to answer questions regarding the establishment application for Physio Fitness, Inc. located at 456 Keough Rd in Collierville, TN. Based upon advertisement on Mr. Taylor's business website and Facebook, it appeared that he had owned and operated an unlicensed establishment since April 2016, and his wife, Reangelyn Taylor, a licensed massage therapist worked in his unlicensed establishment. Mr. Taylor's business website and his business Facebook page advertised massage therapy services at Physio Fitness. Mr. Taylor stated that his wife only provided stretching, rehab fitness, and range of motion on clients, but no massage services had ever been performed at Physio Fitness, Inc. The Board felt that Mr. Taylor was not being truthful in his interview when he denied that massage had been practiced in his establishment. After a discussion, Ms. Cross made a motion, seconded by Ms. Jagers, to deny Mr. Taylors's massage establishment application for Physio Fitness, Inc. based on 63-18-108(1)(7)(12). The motion carried with Mr. Velker opposed.

Shannon April Brock – TnPAP

Ms. Shannon April Brock was requested to appear before the Board to answer and explain concerns regarding her 2014 misdemeanor conviction for a DUI. Based upon her conviction, Ms. Brock was

requested to contact the Tennessee Professional Assistance Program for an evaluation. Based upon her evaluation and toxicology screening results, Ms. Brock was required to enter into monitoring agreement and complete an ASAM PPC-2R Level 2.1 Intensive outpatient program. Ms. Brock began an IOP program on August 14, 2017. As of the November 8, 2017 Board meeting, Ms. Brock was actively participating in treatment. Upon completion of the program, TnPAP will offer Ms. Brock a monitoring agreement. After a brief discussion, Ms. Cross made a motion, seconded by Mr. Velker, to defer approval on Ms. Brock's therapist license until the February 12, 2018 Board meeting. Ms. Brock must adhere to the requirements in his monitoring agreement with TnPAP, have a clean drug test for the next three (3) months, and submit a signed conditional license agreement with the Board. Upon completion of the listed requirements, Ms. Brock will be granted a conditional license. The motion carried.

Joslynn English - TnPAP

Ms. Joslynn English was not present for the meeting. Ms. Cross made a motion, seconded by Ms. Burke, 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. At the August 7, 2018 Board meeting, the Board voted to defer Ms. English's massage therapist application to the November 8, 2017 meeting. As of the November 8, 2017 Board meeting, Ms. English hadn't participated in the required ASAM Level II treatment or executed a monitoring agreement. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to deny Ms. English's massage therapist application based on 63-18-108(2)(4). The motion carried.

Krista Lyn Harms – TnPAP

Ms. Krista Lyn Harms was not present for the meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with the application review in Ms. Harms' absence. 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. At the August 7, 2017 meeting the Board voted to defer Ms. Harms massage therapist application to the November 8, 2017 meeting, to allow her time to complete her evaluation and if needed execute a monitoring agreement with TnPAP. As of the November 8, 2017 Board meeting Ms. Harms hadn't completed her evaluation. After a brief discussion, Ms. Burke made a motion, seconded by Ms. Yarbrough, to deny Ms. Harms' massage therapist application based on 63-18-108(2)(4). The motion carried.

Kevin Rio Kiper- TnPAP

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. At the August 7, 2017 meeting, the Board deferred 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. At the November 8, 2017 Board meeting, Mr. Harkreader, Executive Director of TnPAP, stated that Mr. Kiper had completed the required professional boundary classes and executed a 60 month monitoring agreement. After a discussion, Mr. Velker made a motion, seconded by Ms. Jaggars to approve a conditional license for Mr. Kiper. Mr. Kiper is required to be under direct supervision, refrain from having a solo practice or owning and establishment massage establishment, and sign the conditional license agreement. The motion carried with Ms. Cross opposed.

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. At the August 7, 2017 meeting the Board voted to defer Ms. Poindexter massage therapist application to the November 8, 2017 meeting to allow her an opportunity to complete her intensive outpatient treatment program. At the November 8, 2017 Board meeting, Mr. Harkreader, Executive Director of TnPAP, stated that Ms. Poindexter had completed her ASAM Level II Intensive Outpatient program and executed a monitoring agreement. After a discussion, Ms. Cross made a motion, seconded by Ms. Burke to approve a conditional license for Ms. Poindexter. The motion carried.

Lavesha Oshange Johnson

Ms. Lavesha Oshange Johnson was not present for the meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with the application review in Ms. Johnson's absence. Ms. Johnson submitted a reinstatement application for her massage therapist license. She was requested to appear before the Board because there was evidence that she had continued to practice massage therapy since her massage therapist license was retired in July of 2015. Ms. Johnson was also noncompliant with her 2011/2012 continuing education requirements. After a brief discussion, Ms. Cross made a motion, seconded by Mr. Velker to deny Ms. Johnson's massage therapist reinstatement application based upon 63-18-108(7)(12). The motion carried.

Natoya Lachelle Vaughn

Ms. Natoya Lachelle Vaughn was not present for the meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with the application review in Ms. Vaughn's absence. Ms. Vaughn was requested to appear before the Board because there was evidence that she practiced massage therapy in Tennessee without a license and operated Loving Hands Massage, an unlicensed establishment in Tennessee. Ms. Vaughn attended the Application Review Committee meeting in October of 2017, and the Committee recommended denial and referral to the Board. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross to deny Ms. Vaughn's massage therapist license based on 63-18-108(1)(5)(7). The motion carried.

Frances Beard – The White Lotus

Ms. Frances Beard was not present for the meeting, but sent a letter to the Board requesting that her establishment application be withdrawn. Ms. Cross made a motion, seconded by Mr. Velker, to deny the withdrawal and to proceed with the application review in Ms. Beard's absence. Ms. Beard was requested to appear before the Board due to evidence and her own admission that she had owned and operated an unlicensed establishment. Ms. Beard attended the Application Review Committee meeting in October of 2017, and the Committee recommended denial and referral to the Board. After a brief discussion, Ms. Cross made a motion, seconded by Mr. Mullins to deny Ms. Beard's massage establishment application based on 63-18-108(1)(5)(9). The motion carried.

Duties and qualifications of Board Members that hold the position of Chair and Secretary

Mr. Guilford stated that the Tennessee Massage Board rules and statues are silent on the duties and/or qualifications of the chair and secretary. Ms. Rosemarie Otto, Director of HRB, stated that the chair was responsible for being able to moderate, manage, and control the Board meeting.

Board Member Elections Election of Officers

The Board elected the following officers for calendar year 2018:

Ms. Marvis Burke and Ms. Cynthia Jagers were nominated for Secretary. Mr. Guilford collected and calculated the paper ballots. Ms. Cynthia Jagers was appointed as Secretary. Dr. Ed Bolden and Ms. Marvis Burke were nominated for Chairperson. Mr. Guilford collected and calculated the paper ballots. Ms. Marvis Burke was appointed as Chairperson. The nominations were approved.

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, 2017 to September 30, 2017. TnPAP is currently monitoring nine (9) massage therapists. He reported that there are three (3) effective agreements and two (2) pending agreement. There have been no (0) Board referrals and one (1) client's file was closed for either declining services or declining the recommendations. Mr. Harkreader stated that the Board's expenditures for evaluations and toxically screening equaled \$3,100.00 from July 1, 2017 to September 30, 2017.

Review Board Correspondence

Elaine Eaton – TnPAP Substance Abuse Course

Ms. Lisa Lampley, Massage Board Director, read a letter from Ms. Elaine Eaton regarding the (2) hour TnPAP video “Save a Career, Save a Life” that the Board approved to count toward two (2) hours of continuing education credit under the category of substance abuse. Ms. Eaton stated that the host of the course, Birchwood Solutions had informed TnPAP that if the course was utilized for CEU credits, it would be necessary for Birchwood to charge a nominal administrative fee of \$7.25 per user to offset the administrative cost. The cost would include the maintenance for digital records, administrative time to assist participants who may have questions, need technical assistance, and/or need to retrieve a duplicate certificates. Birchwood Solutions will not impose the \$7.25 administrative fee for massage therapy students that are accessing the course and printing the certificates, per the school rules. No further action was taken by the Board

Julie Wray (Former Board Member) Farwell Letter

Ms. Lisa Lampley, Massage Board Director, read Ms. Julie Wray’s farewell letter to the Board. Ms. Wray wrote that she was grateful and proud to have been able to serve with individuals that strive for integrity and strong commitment to the profession of massage therapy. No further action was required.

Office of Investigation/Disciplinary Report

Ms. Lori Leonard, Disciplinary Coordinator, reported that the Board currently has fifty (50) massage therapist on probation, twenty-one (21) that have a Board Order or reprimand, twenty-seven (27) therapist licenses have been suspended, and seventeen (17) have had their therapist license revoked. There are nineteen (19) massage establishments that have been disciplined and currently being monitored.

Directors Report

STATISTICAL REPORT

As of November 1, 2017 there were 4,325 licensed massage therapists and 1,723 licensed massage establishments.

Following is the license status since the last meeting:

THERAPISTS	ESTABLISHMENTS
August 2017	August 2017
Newly Licensed – 48	Newly Licensed – 37
Reinstate Applications – 8	Reinstate Applications – 8
Retired- 15	Retired – 6
New Applications- 52	New Applications- 27

THERAPISTS	ESTABLISHMENTS
September 2017	September 2017
Newly Licensed – 32	Newly Licensed – 25
Reinstate Applications – 1	Reinstate Applications – 2

Retired- 5	Retired – 4
New Applications- 44	New Applications- 20

THERAPISTS	ESTABLISHMENTS
October 2017	October 2017
Newly Licensed – 39	Newly Licensed – 25
Reinstate Applications – 7	Reinstate Applications – 4
Retired- 18	Retired – 6
New Applications- 28	New Applications - 21
	Address Change Application - 11

Office of General Counsel Report

Mr. Marc Guilford stated there are currently 75 open cases in OGC. Some cases are continuing education matters, but more involve lapsed licenses and/or massage therapists working at establishments with lapsed licenses. Mr. Guilford briefly discussed the conflict of interest policy and requested that each Board member read and sign the policy before the end of the meeting.

Consent Orders

Patrick Cesar, LMT – 8722

Mr. Marc Guilford, Assistant General Counsel, presented and discussed the consent order for Patrick Cesar. Mr. Cesar was licensed by the Board as a Massage Therapist on February 4, 2011. He worked as a massage therapist at SunSpa Day Spa in Ashland City, TN from about May 7, 2015 through about July 29, 2016. During that time SunSpa Day Spa was not licensed as a massage establishment. While working as a massage therapist at SunSpa Day Spa, Mr. Cesar performed about 2016 massages. SunSpa Day Spa was granted a massage establishment license in about October 2016, conditioned upon the owners paying civil penalties totaling about \$1, 800.00. The Stipulations of Fact above establish that Patrick Cesar violated T.C.A 63-18-108(10).

Upon discussion and review, the Board found that Mr. Cesar had violated the Tennessee Massage Licensure Board statutes and regulations by working in an unlicensed establishment. Mr. Cesar’s conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Mr. Velker, to approve the consent order as written. The motion carried. Mr. Cesar’s massage license was placed on probation, and he was assessed fifteen (15) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each month Mr. Cesar worked in an unlicensed establishment, for a total assessment of Seven Hundred Fifty Dollars (\$750.00). He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00.

Ratify Agreed Citations for Lapsed Licenses

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

Jennifer Greer Coppock, LMT - 6729

Ms. Coppock agreed to pay a civil penalty in the amount of \$200.00 for practicing massage therapy

on a lapsed license for five (5) months.

Jamaica S. Westbrook, LMT - 10398

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

Jennifer Wilson, Owner, Serenity Health - 3347

Ms. Wilson agreed to pay a civil penalty in the amount of \$100.00 for operating a massage establishment on a lapsed license for four (4) months. The motion carried.

Ratify Agreed Citations for Continuing Education Violations

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

Tracy K. Booher, LMT - 4128

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

Candy R. Cannon, LMT

Ms. Cannon agreed to pay civil penalties in the amount of \$700.00 for failing to obtain twenty-two (22) hours of continuing education during the 2013/2014 continuing education cycle.

Stephanie A. Curtis, LMT

Ms. Curtis agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2013/2014 continuing education cycle.

Rachel M. Kimbro, LMT

Ms. Kimbro agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2015/2016 continuing education cycle.

Jerri L. Pippin, LMT

Ms. Pippin 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.

Jason B. Seaton, LMT

Mr. Seaton agreed to pay civil penalties in the amount of \$425.00 for failing to obtain eleven (11) hours of continuing education during the 2015/2016 continuing education cycle.

Ratifications

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

Massage Therapist

Allred Cydni Michele	Keck-Rosenbalm Amy R.
Almeida Amanda Renee	King Gelavej Bengin
Anderson Shantria D.	Kitchens Melanie Ann
Aytes Kelly Frances	Lee Brooke Renee
Bailey Diana Lyn	Lewis Christianna Noelle
Barbee Mallory Mckay	Lewis Mary Elizabeth
Barrs Karie Steven	Mason Nicholas George
Bean Nevaeh Angeliqua	Mattie Sean Michael
Beaton Kathleen Nicole	Mauro Melissa Ann
Bennett Whitney Lain	Mckee Stephanie Joy
Bert James Henry Jr.	Messer Holly Kay
Blackman Christopher Robert	Micah Thalia Lael
Bodsford Tanya Lea	Miller Natchez Dawn
Boisse Matthew L.	Montgomery Shunta Lonnette
Bolden Katherine Anne	Musser Daniel Paul
Bowen Kim Marie	Nelson Elizabeth Grace
Bowens Laura	Newton Simon Matthew
Brady Molly Alice	Pasco Joseph Richard
Brown Katherine Rose	Peden Kevan Thomas
Brown Myshonta L.	Phillips Arica Lacha
Buchanan Hayes Hudson	Picou Michael Francis
Burn Mary Mildred	Quillen Aaron Michael
Cain Cullity Talitha Graham	Rheal Lesley Kay
Calitz Carla	Rhode Abigail Mckenzie
Canant Amanda Michelle	Rogers Brittany T.
Cates Taylor Renee	Salyers Charles Gregory
Clift William James	Sanchez Belinda
Coleman Crystal Gayle	Sayger Ruth Anna
Corlay Siriporn	Scheffler Jennifer Rae
Crowder Bryson Edward	Schulz Ericka Lynn
Dampier Jessica Kathleen	Shields Kerri Lynne
Davis Shania Lunea	Simmons Sacha Jeanette
Davis-Rudd Sandra Darlene	Sledge Brenna Nanette
Dicandio Shaylyn Hope	Stewart Ellery Shae
Dillon Constance Lee	Straw Megan Nicole

Dobis Debra Ann	Sweet Angela Charlene
Fairfield Bridget Ann	Thompson Jacqueline Galloway
Farrar Lesia Natalie	Thweatt Jason Winfield
Goins Bryson Michael	Tolbert Connie Dail
Green Holly Rose	Twisdale Kristopher Bryan
Gruenke Jessica Lea	Urbanski Charlene Annette
Harrell Bobby Conald Jr.	Vanpelt Sondra Lynn
Hayes Faith Nicole	Vazhenin Irina V
Herd Katie Mae	Vedros Jeremy Nathaniel
Hewett-Gabel Briannajean A.	Wang Xiufang
Hite Melissa	Wannemuehler Jon Alan
Honicker Conrad Charleston	Weeks Warren David
Houck Perry Allen	Williams Joshua V
Howie Vanessa Lou	Williford Brittany Michelle
Hughes Brett Alan	Woodard Catherine L
Humphrey Michael Dale	Xie Farong
Jackson Diana Jo	Zhang Shuhua
Jordan Daphne Jeanette	

Massage Therapist Re-instatements

Alford-Sanders Janice Fay	Payton Jason Otis
Baker Kenneth Ray Jr	Pozorski Paul John JR.
Chambers Ragan Frances Ryon	Shaffer Beverly Lynn
Coppock Jennifer Ann	Slover Brandi Darnelle
Dillard Noel Thomas	Westbrook Jamaica Shanya
Fletcher Karen Sue	Cerra Molly Jane
Genna Gary Nicholas	Freschi Cassandra Ratcliffe
Hall Ashley Clinton	Harris Blount Rebekah A
Harrison Ashley Nichole	Hovan Dana Joyce
Holmes Venis M	Traylor Gayle Eden
Huling Sabrina Helen	Wilson David Allen
Mason Kristie Lynn	

Establishments

(Metroplex) Onsite Massage Inc.	Naturally Tranquil Spa
21c Management Llc DbA 21c Museum Hotel Nashville	Onsite Massage Inc.
A New Day Spa	Onsite Massage Inc.
A Touch Of Calm	Onsite Massage Inc. (Centennial)
A Touch Of Southern Bliss	Opulence Massage Llc
Align Health	Pain Free Nashville

Ascension Salon	Peace Massage Llc
Athletic Restoration Pllc	Pure Mountain Therapy
Auspicious Massage & Reflexology Inc	Pure Salon Llc
Being Present	Relax With Rita Studio
Big Cypress Spa	Restore Harmony
Bliss Integrated Bodywork	Richland Country Club
Bodyworks By Belinda	Rockstar Bodyworks
Brightness Massage Spa	Royal Spa
Brightness Massage Spa	Sangeo Wellness Center Llc
Cherokee Country Club	Sheri Treadwell Wellness Studio
Color Lush Salon Llc	Siri'S Massage
Crystal Core Healing	Soothing Massage
Dy Reflexology	Spalogik Llc
Force Of Nature	Stephenie Kurtz Lmt
Great Foot Massage	Stones River Chiropractic
Haven Salon & Spa	Tanya Bodsford Lmt
Healing Care Center	Tennova Health And Fitness Center
Healing Interactive	The Art Of Undoing
Health Is Wealth	The Beauty Room Llc
Heart And Hands Cst	The Knead Massage Room
Kate Healy Dykes Lmt	The Nail Nook And Spa
Knight Family Chiropractic Pc	Third Coast Salt Llc
Ltf Club Operations Company Inc. DbA Life Spa	Tracey Morgan Massage Therapy
Massage By Mable	Tricia Taylor Lmt
Massage Envy	Upper Cuts Salon Spa
Massage For Health	Venus Luxury Spa Llc
Massage On East Main	Woodhouse Day Spa
Michelle Sulikowski Lmt	Yoga Landing
Midas Touch Massage Therapy	You'Re Welcome Massage Therapy
Mpower Massage Therapy Llc	Zenergy
Myofascial Integration Therapy Inc.	

Establishment Re-instatement

Blount Memorial HospitalInc. Blount Memorial Wellness Center	Southern Roots Salon And Spa
Brittney Crump Lmt # 7337	Terri'S Health Massage And Bodyworks
Jessica Thacker	Wright Touch Massage
Quantum Neuroscience Center	Advanced Therapeutic Massage Therapy
Relaxation Delivered	Connections Integrative Bodywork
Salon J And Day Spa Llc	Heart And Hands Cst
Serenity Health	Massage Theurapeutics Lmt
Shulan Qian DbA Diamond Massage	Summit Physical Therapy

Approved Continuing Education Courses

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

1. Jillian Shelton Ricks, LMT – Reiki Level II– 10 hrs. Course # TN101817-24
2. Lora Williams, LMT – Tennessee Massage Law – 5 hrs. Course # TN102017-25
3. Lora Williams, LMT – Tennessee Massage Law – 2 hrs. Course # TN110117-26
4. Amy Baeder, LMT – Tennessee Massage Law and Rules – 2 hrs. Course # TN110217-27
5. Amy Baeder, LMT – Ethics of Touch – 2 hrs. Course # TN110217-28

Continuing Education Course Approval

ProTraining CPR & First Aid

Ms. Jennifer Martin, Compliance Coordinator for ProTrainings, submitted a courses for ProCPR, which included CPR, AED, and BLS for adults, children, and infants, and ProFirstAid Advance, which included FirstAid, CPR, AED, and BLS for adults, children, and infants. Ms. Martin requested that the Board review the course curriculum and approve them for continuing education credit for Tennessee massage therapist. ProTrainings follows the most recent 2015 EEC/ILCOR and American Heart Association published guidelines. Mr. Guilford informed the Board that it would require a rule change to add ProTraining’s courses to the list of sponsors or courses that don’t need to receive prior approval and constitute a Board approved continuing education course. ProTrainings course is approved by the National Certification Board for Therapeutic Massage and Body Work (NCBTMB), and therefore, the Tennessee Massage Licensure Board accepts the provider’s continuing education courses that are approved on the NCBTMB website for massage therapist. No further action was required.

Reports for OGC, Staff, and Board Members that attended FARB and FSMTB Annual Meetings

The Tennessee Board had a strong presence at the annual meeting. Dr. Bolden, Ms. Burke, and Ms. Hodge attended the 2017 Annual Federation of State Massage Therapy Boards Meeting and Conference held in Tampa, FL. Each attendee gave a brief statement regarding their positive experience at the meeting. Dr. Bolden was nominated and was re-elected as the President of the Federation’s Board of Directors. The Tennessee Massage Licensure Board and the Board’s Director, Kimberly Hodge, received two distinguishable awards for the Tennessee Massage Licensure Board’s success in combating fraud within the application and licensure process and working closely with law enforcement to deter Human Trafficking. The 2018 Federation of State Massage Therapy Boards Annual Meeting will be held on October 4-6, 2018 in Salt Lake City,

UT. Mr. Guilford provided a brief statement regarding his experience at the Federation of Associations of Regulatory Boards Law Seminar in Savannah, GA.

Appoint Administrative Staff to attend the 2018 FARB Forum

After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross to send Kimberly Hodge, Board Director, Marc Guilford, Massage Board Attorney, Ms. Rosemarie Otto, Director of HRB, Ms. Marvis Burke, Board Member, and Ms. Cynthia Jagers, Board Member, to attend the 2018 FARB Forum in Coronado, CA in January 2018. The motion carried

Online Core Curriculum

Discussion was deferred until the February 12, 2018 Board meeting to allow Mr. Guilford and Mr. Mullins time to research what other Massage Boards and jurisdictions are allowing for core online curriculum, as well as, other Health Related Board in Tennessee (example: Nursing Board).

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. Mr. Guilford informed the Board that a policy could be written that suggest requirements, but that is would require a rule change for the criteria to be enforced. After a brief discussion, the Board requested that the qualifications be removed from discussion until the Board's next rule change.

Unlicensed Establishment Policy

At the August 7, 8, 2017 meeting, 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 be 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. At the November 8, 2017, the Board was to approve the policy. Upon further discussion at the November 8, 2017 meeting, Ms. Cross made a motion seconded by Mr. Mullins to rescind the unlicensed establishment policy that was approved at the August 7, 2017 meeting. The motion carried with Mr. Velker opposed. Mr. Mullins made a motion, seconded by Ms. Yarbrough to approve language be added to the current unlicensed establishment policy that states that any establishment where there is evidence that the establishment has been operating without an establishment license will be required to appear before the Board. When the establishment owner appears before the Board, the Board may decide to deny the application in addition to accessing civil penalties. The motion carried. The Board instructed Mr. Guilford to write the policy and post it on the Tennessee Massage Licensure Board webpage.

Establishment Lapsed License Policy

Mr. Guilford stated that there was an approved Board policy for an establishment operating on a lapsed license. No further action was required.

Adjournment

Ms. Yarbrough made a motion, seconded by Ms. Jagers, to adjourn the November 7, 2017 Tennessee Massage Licensure Board meeting at 5:22 pm. The motion carried.

**MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
NOVEMBER 9, 2017**

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

Location: 665 Main Stream Drive
HRB Conference Center
1st Floor, Iris Room
Nashville, TN 37243

Members Present: Marvis Burke, LMT, Chairperson
Bill Mullins, LMT
Michael Velker, Citizen Member
Cynthia Jagers, LMT, Secretary
Christi Cross, Citizen Member
Virginia P. Yarbrough, LMT

Members Absent Ed Bolden

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 Marvis Burke, Board Chairperson. Prior to conducting business, Kimberly Hodge conducted a roll call to establish a quorum. A quorum was present.

Statement

Mr. Velker prepared and read a statement addressing his concern that he felt a Board member accused the body of making decisions based upon race. Mr. Velker felt that the accusation was false and serious and must be addressed. He stated that for the six (6) years that he had been on the Board, he had never witnessed the Board base a decision on race, but rather the rules and laws of the Tennessee Massage Licensure Board.

Agreed Order

Min Liu, LMT – 9758

Kyonzte Hughes-Toombs, Deputy General Counsel, presented and discussed the agreed order for Min Liu. Ms. Liu was licensed by the Board as a Massage Therapist on December 12, 2012. On or about February 19, 2013, Ms. Liu pleaded nolo contendere to one count of disorderly conduct in the Ninth Judicial Circuit Court in Orange County, FL. On or about March 6, 2014, The Florida

Board of Massage Therapy revoked Ms. Liu's license to practice as a massage therapist in Florida. The Stipulations of Fact above establish that Liu violated T.C.A 63-18-108(2)(7)(12).

Upon discussion and review, the Board found that Ms. Liu had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Liu's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Yarbrough, to approve the agreed order as written. The motion carried. Ms. Liu's massage license was placed on probation for a period of no less than two years. During the period of probation, Ms. Liu was required to retake the five (5) hour core curriculum Tennessee Massage Law Class and complete two (2) hours of continuing education in Ethics. Ms. Liu must pay a civil monetary penalty in the amount of Two Hundred Dollars (\$200.00) and pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00).

Jin Harmon, LMT – 8938 – Head To Toe Massage, LME – 3351 – Head To Toe Chair Massage, LME – 3380 – ACU Massage, LME – 3393 – ACU Massage, LME – 3768, and Chinese Back Rub, LME – 3901

Mr. Marc Guilford, Assistant General Counsel, presented and discussed the Agreed Order for Jin Harmon. Ms. Harmon was licensed by the Board as a Massage Therapist on June 1, 2011. Ms. Harmon was the owner and responsible person of Head To Toe Massage located at 1086 Hunters Crossing Drive, Alcoa, Tennessee 37701, Head To Toe Chair Massage located at 7600 Kingston Pike, Suite K11, Knoxville, TN 37919, ACU Massage located at 7600 Kingston Pike, Knoxville, Tennessee 37919, ACU Massage located at 7007 Kingston Pike, Knoxville, TN 37919, and Chinese Back Rub located at 727 N. Campbell Station Road, Knoxville, TN 37934. In February 2017, several unlicensed individuals were found practicing massage therapy at Head to Toe. In February 2017, several unlicensed individuals were found practicing massage therapy at ACU Massage located at 7600 Kingston Pike. On about April 21, 2017, at least one unlicensed individual was found practicing massage therapy at ACU Massage located at 7007 Kingston Pike. The unlicensed individual was under Ms. Harmon's direct supervision while practicing massage. On about April 21, 2017, at least one unlicensed individual was found practicing massage therapy at ACU Massage located at 7600 Kingston Pike. Ms. Harmon confirmed that she was the sole owner of ACU massage located at 7007 Kingston Pike on May 23, 2017. The Stipulations of Fact above establish that Jin Harmon violated T.C.A 63-18-108(5)(7)(12), TENN. COMP. R. & REGS 0870-01-02(1), and TENN. COMP. R. & REGS 0870-01-02(2)(b)(1).

Upon discussion and review, the Board found that Ms. Harmon had violated the Tennessee Massage Licensure Board statutes and regulations by allowing unlicensed individuals to practice in her establishments. Her conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Mr. Velker, to approve the agreed order as written. The motion carried. Ms. Harmon's massage establishment licenses, numbers 3351, 3380, 3393, 3768, and 3901, were voluntarily surrendered, effective December 31, 2017. A voluntary surrender is considered the same as revocation. Ms. Harmon's massage therapist license was placed on probation for a period of at least two (2) years. During the period of probation, Ms. Harmon shall be prohibited from opening, being the responsible person at, or having any ownership interest in any massage establishment. After the probation period, Ms. Harmon will be required to appear before the Board in person for an interview to own or be the responsible person for an establishment.

Consent Order

Janice Cathey, LMT – 4500

Mr. Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Janice Cathey. Ms. Cathey was licensed by the Board as a Massage Therapist on March 17, 2004. She owned and operated Ha Le Mind and Body located at 2200 21st Ave. S, Suite 105, Nashville, TN 37212, without holding a valid massage establishment license from April 2015 through July 2015. Ha Le Mind and Body, L.M.E 4303, was granted a conditional establishment license on August 5, 2015. Ms. Cathey was required to complete additional continuing education hours related to Tennessee Law and paying civil penalties totaling \$2, 100.00. Ms. Cathey agreed to and complied with the conditions. The Stipulations of Fact above establish that Janice Cathey violated T.C.A 63-18-104(a)(b), T.C.A 63-18-108(7), and TENN. COMP. R. & REGS 0870-01-02(1).

Upon discussion and review, the Board found that Ms. Cathey had violated the Tennessee Massage Licensure Board statutes and regulations by working in an unlicensed establishment. Ms. Cathey's conduct constitutes grounds for discipline. A motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to approve the consent order as written. The motion carried. Ms. Cathey'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).

Ahmon Goodrum, LMT - 3611

Mr. Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Ahmon Goodrum. Mr. Goodrum failed to obtain two (2) of the twenty-five approved continuing education hours in the 2011/2012 continuing education cycle. Upon discussion and review, the Board found that Mr. Goodrum had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Goodrum's conduct constitutes grounds for discipline. A motion was made by Mr. Velker, seconded by Ms. Yarbrough, to approve the consent order as written. The motion carried.

Mr. Goodrum's license was placed on probation, and he was assessed two (2) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Hundred Dollars (\$100.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00, and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Shanta N. Hurt, LMT – 8226 – Vital Essence Massage, LME – 4569

Mr. Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Shanta N. Hurt and Vital Essence Massage. Ms. Hurt was licensed by the Board as a Massage Therapist on March 22, 2010. She owned and operated Vital Essence Massage located at 231 Veterans Pkwy, Murfreesboro, TN 37128, without holding a valid massage establishment license approximately 7 months from December 2015 through July 2016. Ms. Hurt was the sole massage therapist working at Vital Essence Massage, where she worked approximately one day per week.

The Stipulations of Fact above establish that Shanta Hurt violated T.C.A 63-18-104(a)(b), T.C.A 63-18-108(7), and TENN. COMP. R. & REGS 0870-01-02(1).

Upon discussion and review, the Board found that Ms. Hurt had violated the Tennessee Massage Licensure Board statutes and regulations by working in an unlicensed establishment. Ms. Hurt's conduct constitutes grounds for discipline. A motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to approve the consent order as written. The motion carried. Ms. Hurt's massage therapy license and establishment license was placed on probation effective the date of entry of this Order, until successful payment of all civil penalties and cost. She was assessed seven (7) Type C Civil Penalties in the amount of One Hundred Twenty-Five Dollars (\$125.00) each, representing the civil penalties for each month the establishment operated unlicensed, for a total assessment of Eight Hundred Seventy-Five Dollars (\$875.00). She was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Thousand Dollars (\$2,000.00).

James Michael Johnson, LMT – 3393

Mr. Peyton Smith, Assistant General Counsel, presented and discussed the consent order for James Michael Johnson. Mr. Johnson failed to obtain four (4) of the twenty-five approved continuing education hours in the 2011/2012 continuing education cycle. The deficient hours included two (2) hours pertaining to Tennessee statutes and rules and two (2) hours pertaining to practice management, ethics, or substance abuse. Upon discussion and review, the Board found that Mr. Johnson had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Johnson's conduct constitutes grounds for discipline. A motion was made by Ms. Yarbrough, seconded by Mr. Velker, to approve the consent order as written. The motion carried.

Mr. Johnson's license was placed on probation, and he was assessed was assessed one (1) Type B Civil Penalty in the amount of Three Hundred Dollars (\$300.00), representing the penalty for falsely certifying on his license renewal that he had completed the required continuing education, and four (4) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of Five Hundred Dollars (\$500.00). He was required to make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Myunghee Kim, LMT – 6908

Mr. Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Myunghee Kim. Ms. Kim was licensed by the Board as a Massage Therapist on March 3, 2008. She plead guilty and was convicted of promoting prostitution on about February 3, 2017. The Stipulations of Fact above establish that Myunghee Kim violated T.C.A 63-18-108(2) and T.C.A 63-18-105(b)(2).

Upon discussion and review, the Board found that Ms. Kim had violated the Tennessee Massage Licensure Board statutes and regulations by being convicted of promoting prostitution. Ms. Kim's conduct constitutes grounds for discipline. A motion was made by Mr. Velker, seconded by Mr. Mullins, to approve the consent order as written. The motion carried. Ms. Kim's massage license

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

Daniel W. Walker, LMT – 6548

Mr. Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Daniel Walker. Ms. Walker was licensed by the Board as a Massage Therapist on May 3, 2007. On August 6, 2012, the Board ratified an Agreed Citation, based on Mr. Walker's deficiency in the 2009-2010 continuing education cycle. Mr. Walker agreed to, among other things, obtain four (4) hours of continuing education including (2) hours relating to Tennessee statutes and rules and two (2) hours pertaining to practice management, ethics, or substance abuse. He failed to obtain the required hours. Mr. Walker failed to obtain four (4) hours of continuing education including (2) hours relating to Tennessee statutes and rules and two (2) hours pertaining to practice management, ethics, or substance abuse in the 2013-2014 continuing education cycle. Mr. Walker's conduct constitutes grounds for discipline. A motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to approve the consent order as written. The motion carried.

Mr. Walker's license was suspended until he submitted the required eight (8) in-person hours for the 2009/2010 and 2013/2014 cycle. Upon submission of hours, his license would be placed on probation for a period of no less than three years and shall remain on probation until Mr. Walker fully complies with the order. He was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and eight (8) 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 Dollars (\$700.00). Mr. Walker was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00.

Contested Case Hearings - Proposed Final Orders

Xiedong Xu, LMT – 9064 – Oriental Wellness Massage, LME – 4157 – Oriental Wellness Massage, LME – 3379, and Oriental Wellness Massage, LME - 4439

Mr. Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Elizabeth Cambron. Mr. Xu was present and was represented by her attorney, Mr. A. Philip Lomonaco of the Knoxville bar. 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 Mr. Xu regarding his case. Mr. Xu owned, ran, and was the responsible person for Oriental Wellness Massage located at 3001 Knoxville Center Drive, Knoxville, TN 37924, Oriental Wellness Massage located at 137 Foothill Mall, Maryville, Tennessee 37801, and Oriental Wellness Massage located at 2021 N. Highland Avenue, Unit A-18, Jackson, Tennessee 38305. On at least October 6, 2016, Mr. Xu allowed at least two unlicensed individuals to practice massage therapy at Oriental Wellness in Knoxville, TN. One of the unlicensed individuals was Mr. Xu's wife. Mr. Guilford called Detective Angela Parris with the Knox Co. Sheriff's Department to testify. Mr. Lomonaco called Mr. Xu to testify on his own behalf. Mr. Xu stated that the establishment remained opened after the Knox Co. Sheriff's department raided the establishment on October 6, 2016 until December 2016. The Stipulations of Fact above establish that Mr. Xu violated T.C.A 63-18-108(5)(7)(12), TENN. COMP. R. & REGS 0870-01-.02(1) and TENN. COMP. R. & REGS 0870-01-.02(2)(b)(1).

After a detailed discussion and review, the Board found that Ms. Xu had violated the Tennessee Massage Licensure Board statutes and regulations. His conduct constitutes grounds for discipline on his massage therapist and establishment license. Ms. Cross made a motion, seconded by Ms. Jagers, to approve the proposed final order. The motion carried. Mr. Xu's massage establishment licenses, numbers 4157, 3379, and 4439, were revoked, effective the date of entry of this order. Mr. Xu's massage license was placed on probation for a period of three (3) years from the effective date of the order. He was assessed two (2) Type A Civil Penalties in the amount of One Thousand Dollars (\$1000.00) each, representing one such penalty for each unlicensed individual Mr. Xu allowed to work at her establishment, for a total civil penalty of Two Thousand Dollars (\$2,000.00). He was also required to pay all actual and reasonable costs of prosecuting the case not to exceed above Five Thousand Dollars (\$5,000.00).

Petition for Licensure Denial Appeal

Wenjing Lin

Mr. Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Elizabeth Cambron. Ms. Lin was present and was represented by her attorney, Ms. Sharon Jacobs. 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 Mr. Lin regarding her appeal. The Tennessee Massage Licensure Board received Ms. Lin's massage therapist application on March 29, 2016. Ms. Lin's application was reviewed and considered by the Board at the October 24, 2016. The Board denied Ms. Lin's application based on evidence that the massage school she attended, Angeles College in Los Angeles California, was not currently approved by the California Massage Therapy Council (CAMTC), and therefore was not approved by the Board based upon 63-18-105(b)(3). Ms. Jacobs stated that Angeles College was certified by the Bureau for Private Postsecondary Education when Ms. Lin attended the school from June 4, 2014 through November 19, 2014 and therefore, requested that the Board overturn the denial and grant Ms. Lin a massage therapist license. Mr. Guilford stated that based upon the time that Ms. Lin's Tennessee massage application was completed in September 2016, Ms. Lin's school was on the CAMTC's pending list and had remained on the pending list as of the November 9, 2017 Board meeting. Ms. Lin testified on her own behalf and Ms. Kimberly Hodge testified for the State. After a detailed discussion, Ms. Yarbrough made a motion, seconded by Ms. Jagers to uphold the licensure denial. The motion carried with Mr. Mullins and Mr. Velker opposed. The Board drafted an order to uphold the licensure denial.