

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
March 11, 2016

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

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

Members Present: Ed Bolden, LMT Chairperson
Cynthia Jagers, LMT,
Marvis Burke, LMT, Secretary
Julie J. Wray, LMT
Christi Cross, Citizen Member
Bethann Easterly, LMT

Members Absent: Michael Velker, Citizen Member

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

The meeting was called to order at 9:18 a.m. by Dr. Ed Bolden, Board Chairperson. Dr. Bolden welcomed everyone to the meeting. 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.

Consent Orders

Christopher Winstead, L.M.T. – 5604

Jennifer L. Putnam, Assistant General Counsel, presented and discussed the consent order for Christopher Winstead. Mr. Winstead failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. He also failed to obtain the ten (10) required makeup and penalty continuing education hours for his 2009/2010 violation. Upon discussion and review, the Board found that Mr. Winstead had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Winstead's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Mr. Winstead's license was placed on probation, and he was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Fifty Dollars (\$1,550.00). He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00, and make up all continuing education hours and penalty hours for the 2009/2010 and 2011-2012 continuing education cycle.

Adia Apple Williams, L.M.T. – 5391

Jennifer L. Putnam, Assistant General Counsel, presented and discussed the consent order for Adia Apple Williams. Ms. Williams failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Williams had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Williams's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Williams's license was placed on probation, and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Fifty Dollars (\$1,550.00). 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.

Lalah Louise Humble, L.M.T. – 8069

Paetria Morgan, Assistant General Counsel, presented and discussed the consent order for Lalah Louise Humble. Ms. Humble failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Humble had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Humble's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Humble's license was placed on probation, and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Fifty Dollars (\$1,550.00). 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.

Brian Jeffrey Krohn, L.M.T. – 8725

Paetria Morgan, Assistant General Counsel, presented and discussed the consent order for Brian Jeffrey Krohn. Mr. Krohn failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Mr. Krohn had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Krohn's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Mr. Krohn's license was placed on probation, and he was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Fifty Dollars (\$1,550.00). He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00, and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Brittney Marie Smith, L.M.T. – 7196

Paetria Morgan, Assistant General Counsel, presented and discussed the consent order for Brittney Marie Smith. Ms. Smith failed to obtain four (4) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Smith had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Smith's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Smith's license was placed on probation, and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) 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). 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.

Honghua Yuan, L.M.T. – 10142

Marc Guilford, Board Attorney, presented and discussed the consent order for Honghua Yuan. Ms. Yuan was licensed by the Board as a Massage Therapist on September 16, 2013. On about January 23, 2015, Ms. Yuan plead guilty and was convicted of conspiracy to commit prostitution. The Stipulations of Fact above establish that Ms. Yuan has violated T.C.A 63-18-108(2) and T.C.A 63-18-105(b)(2).

After a discussion and review, the Board found that Ms. Yuan had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Yuan's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to accept the consent order as written. The motion carried. Ms. Yuan's massage therapist license is revoked.

Ashla Hooge, L.M.T. – 5135

Marc Guilford, Board Attorney, presented and discussed the consent order for Ashla Hooge. Ms. Hooge was licensed by the Board as a Massage Therapist on June 14, 2005. In about August 1996, Ms. Hooge was found guilty of passing a worthless check in Seminole County, Florida. In about September 1996, Ms. Hooge was found guilty of theft in Seminole County, Florida. IN about October 1999, Ms. Hooge was found guilty of violating her probation. When Ms. Hooge applied for her massage license in Tennessee in 2004, she answered “no” to the question that asked, “Have you ever been convicted of a felony or a misdemeanor other than a minor traffic violation?” Ms. Hooge also failed to disclose her convictions when she re-instated or renewed her license in 2008, 2010, and 2012. The Stipulations of Fact above establish that Ms. Hooge has violated T.C.A 63-18-108(2) and T.C.A 63-18-108(1).

After a discussion and review, the Board found that Ms. Hooge had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Hooge’s conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to accept the consent order as written. The motion carried. Ms. Hooge agrees to the reprimand of her massage therapist license. She was assessed six (6) Type C Civil Penalties in the amount of One Hundred Dollars (\$100.00) each, representing one civil penalty per criminal conviction she failed to report plus one such civil penalty for each renewal or reinstatement on which Ms. Hooge failed to disclose the convictions, for a total of Six Hundred Dollars (\$600.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Five Thousand Dollars \$5,000.00.

Chanel A. Otto, L.M.T. – 9423

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the consent order for Chanel A. Otto. Ms. Otto failed to obtain five (5) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Otto had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Otto’s conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Otto’s license was placed on probation, and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and five (5) 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 Fifty Dollars (\$550.00). 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.

Erica L. Sanders, L.M.T. – 7329

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the consent order for Erica L. Sanders. Ms. Sanders failed to obtain five (5) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Sanders had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Sander’s conduct constitutes

grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Sanders's license was placed on probation, and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and five (5) 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 Fifty Dollars (\$550.00). 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.

Elizabeth Anne Loosmore, L.M.T. – 8524

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the consent order for Elizabeth Anne Loosmore. Ms. Loosmore failed to obtain four (4) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Loosmore had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Loosmore's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the consent order as written. The motion carried.

Ms. Loosmore's license was placed on probation, and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) 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). 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.

Agreed Order

Cuiping Wu, L.M.T. – 7840 / Asian Massage Inc d/b/a Sunny Massage

Marc Guilford, Board Attorney, presented and discussed the agreed order for Cuiping Wu. Ms. Wu was licensed by the Board as a Massage Therapist on July 31, 2009. Ms. Wu owned and operated Asian Massage Inc. d/b/a Sunny Massage located at 15555 Old Hickory Blvd., Nashville, TN 37211. Ms. Wu employed at least one unlicensed individual, Cai Fen Xiong, from December 2014 through February 2015. Ms. Wu reported that Ms. Xiong performed massages at Sunny Massage as a "student" and free of charge to customers. Although Ms. Xiong was allegedly practicing as a "student", Xiong was not at the time enrolled in a massage school, and the hours and massage performed by Ms. Xiong were not tracked or recorded. According to Ms. Wu, Ms. Xiong was also employed as a cleaner at Sunny Massage, and she received about \$1,100 per month plus room, board, and food for her services. Ms. Wu also employed at least one other unlicensed individuals, Ying Bo Liu. Ms. Wu claims that Ms. Liu did not perform massage at Sunny Massage. The Stipulations of Fact above establish that Ms. Wu has violated T.C.A 63-18-108(7)(12), TENN COMP. R. & REGS 0870-01-.02(2)(b)(1), and 0870-.01-.02(1).

After a discussion and review, the Board found that Ms. Wu had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Wu's conduct constitutes grounds for discipline.

Ms. Cross made a motion, seconded by Ms. Burke, to accept the agreed order as written. The motion carried. Ms. Wu's massage therapist license is placed on probation. Ms. Wu and Sunny Massage agree to pay four (4) Type A civil penalties of Five Hundred Dollars (\$500.00) each, representing one such civil penalty per month that Xiong worked at Sunny Massage plus one such civil penalty stemming from the employment of Ms. Liu, for a total assessment of Two Thousand Dollars (\$2000.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars \$3,000.00.

Rui Hu, L.M.T. – 9288 / Green & King Chinese Massage – 4018 & Li Therapeutic Massage, – 3903

Marc Guilford, Board Attorney, presented and discussed the agreed order for Rui Hu. Mr. Hu was licensed by the Board as a Massage Therapist on February 21, 2012. Mr. Hu owned and operated Green & King Chinese Massage located at 4104 Hillsboro Pike, Nashville, TN 37215, and Li Therapeutic Massage located at 1800 Carothers Parkway, Suite 6, Brentwood, TN 37027. Mr. Hu employed at least three unlicensed individual to perform massage in November 2014 at Green & King. In January 2015, Mr. Wu pled guilty to and was convicted of prostitution, a misdemeanor, in Davidson County, TN, and money laundering, a class B felony, in Williamson County, TN. The Stipulations of Fact above establish that Mr. Wu has violated T.C.A 63-18-108(2)(7)(12), T.C.A 63-18-105(b)(2), TENN COMP. R. & REGS 0870-01-.02(2)(b)(1), and 0870-.01-.02(1).

After a discussion and review, the Board found that Mr. Hu had violated the Tennessee Massage Licensure Board statutes and regulations. Mr. Hu's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to accept the agreed order as written. The motion carried. Mr. Hu's massage therapist license is revoked, and the establishment licenses for Green & King Chinese Massage and Li Therapeutic Massage is revoked. He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Five Hundred Dollars (\$500.00).

Teresa Annette Paul, L.M.T. – 5760

Stefan C. Cange, Assistant General Counsel, presented and discussed the Agreed Order for Teresa Annette Paul. Ms. Paul failed to obtain twenty-five (25) approved hours of continuing education in the 2011-2012 continuing education cycle. Ms. Paul no longer wishes to practice massage therapy or to maintain her license. Due to the facts above, the case is dismissed without prejudice. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the agreed order as written. The motion carried.

Ms. Paul's license is expired. She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Hundred Dollars \$200.00.

Shawanda Chaney, L.M.T. – 5411

Stefan C. Cange, Assistant General Counsel, presented and discussed the Agreed Order for Shawanda Chaney. Ms. Chaney failed to obtain two (2) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Chaney had violated the Tennessee Massage Licensure Board statutes and regulations by not

maintaining her required continuing education hours. Ms. Chaney's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Easterly, to approve the agreed order as written. The motion carried.

Ms. Chaney was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and 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 Four Hundred Dollars (\$400.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Five Hundred Dollars (\$500.00), and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Rebecca Brafford, L.M.T. – 5411

Stefan C. Cange, Assistant General Counsel, presented and discussed the Agreed Order for Rebecca Brafford. Ms. Brafford failed to obtain eighteen (18) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Brafford had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Brafford's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the agreed order as written. The motion carried.

Ms. Brafford was assessed a civil penalty in the amount of Nine-Hundred Dollar (\$900.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Five Hundred Dollars (\$500.00), and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Carol Marie Strohm, L.M.T. – 5760

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the Agreed Order for Carol Marie Strohm. Upon being audited, Ms. Strohm failed to timely submit proof that she had obtained six (6) approved hours of continuing education for the 2011-2012 continuing education cycle. Ms. Strohm subsequently submitted proof of completion of the six (6) hours plus three (3) additional hours of continuing education acquired in 2012, and is therefore compliant with the 2011-2012 continuing education cycle. A motion was made by Ms. Easterly, seconded by Ms. Cross, to approve the agreed order as written. The motion carried. She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars (\$1000.00).

Richard Clark Ruble III, L.M.T. – 9485

Francine Baca-Chavez, Deputy General Counsel, presented and discussed the Agreed Order for Richard Clark Ruble III. Mr. Ruble failed to obtain nine (9) approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Mr. Ruble III had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Ruble's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the agreed order as written. The motion carried.

Mr. Ruble license was placed on probation, and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and nine (9) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of Seven Hundred Fifty Dollars (\$750.00). He was required to make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Agreed Citations

Lori Kemper, LMT - 3047

Marc Guilford, Board Attorney, presented and discussed the Agreed Citation for Lori Kemper. Ms. Kemper agreed to pay civil penalties in the amount of \$475.00 for failing to obtain thirteen (13) hours of continuing education during the 2011/2012 continuing education cycle. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the agreed citation as written. The motion carried. Ms. Kemper is required to make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Lori Elaine Pendergrass, LMT - 8331

Marc Guilford, Board Attorney, presented and discussed the Agreed Citation for Lori Elaine Pendergrass. Ms. Pendergrass agreed to pay civil penalties in the amount of \$175.00 for failing to obtain one (1) hour of continuing education during the 2011/2012 continuing education cycle. A motion was made by Ms. Cross, seconded by Ms. Burke, to approve the agreed citation as written. The motion carried. Ms. Pendergrass is required to make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

Contested Case Hearings by Default

Heidi Louise Paulson, LMT - 7366

Mr. Stefan Cange, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Stephen R. Darnell. Ms. Heidi Louise Paulson was not present or represented by an attorney. Mr. Cange submitted an affidavit of service by Ashley Fine, who is Mr. Cange's paralegal, and introduced evidence that a Notice of Hearing was sent to the respondent. Mr. Cross made a motion, seconded by Ms. Easterly, to proceed in default with the hearing in Ms. Paulson's absence. The motion carried. Mr. Cange also submitted an affidavit by Kimberly Hodge, Massage Board Manager, regarding Ms. Paulson's massage licensure and continuing education audit.

Ms. Paulson failed to obtain twenty-five (25) of the required approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Paulson had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Paulson's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Easterly, to accept the proposed order as written. The motion carried. Ms. Paulson's license was placed on probation and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand

Five Hundred Fifty Dollars (\$1,550.00). 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.

Feng Lai Ma, LMT - 8232

Mr. Stefan Cange, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Stephen R. Darnell. Ms. Feng Lai Ma was not present or represented by an attorney. Mr. Cange submitted an affidavit of service by Ashley Fine, who is Mr. Cange's paralegal, and introduced evidence that a Notice of Hearing was sent to the respondent. Mr. Cross made a motion, seconded by Ms. Easterly, to proceed in default with the hearing in Ms. Ma's absence. The motion carried. Mr. Cange also submitted an affidavit by Kimberly Hodge, Massage Board Manager, regarding Ms. Ma's massage licensure and continuing education audit.

Ms. Ma failed to obtain twenty-five (25) of the required approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Ma had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Ma's conduct constitutes grounds for discipline. Ms. Easterly made a motion, seconded by Ms. Burke, to accept the proposed order as written. The motion carried. Ms. Ma's license was placed on probation and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Fifty Dollars (\$1,550.00). 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.

Norma Iris DeJesus, LMT - 6586

Francine Baca-Chavez, Deputy General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Stephen R. Darnell. Ms. Norma Iris DeJesus was not present or represented by an attorney. Mr. Cross made a motion, seconded by Ms. Easterly, to proceed in default with the hearing in Ms. DeJesus's absence. The motion carried. Ms. Baca-Chavez also submitted an affidavit by Kimberly Hodge, Massage Board Manager, regarding Ms. DeJesus's massage licensure and continuing education audit.

Ms. DeJesus failed to obtain twenty-five (25) of the required approved hours of continuing education in the 2009-2010 continuing education cycle. Upon discussion and review, the Board found that Ms. DeJesus had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. DeJesus's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Easterly, to accept the proposed order as written. The motion carried. Ms. DeJesus's license was placed on probation and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Fifty Dollars (\$1,550.00). 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.

Jillian Michelle Tatum, LMT - 6873

Francine Baca-Chavez, Deputy General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Stephen R. Darnell. Ms. Jillian Michelle Tatum was not present or represented by an attorney. Mr. Cross made a motion, seconded by Ms. Easterly, to proceed in default with the hearing in Ms. Tatum's absence. The motion carried. Ms. Baca-Chavez also submitted an affidavit by Kimberly Hodge, Massage Board Manager, regarding Ms. Tatum's massage licensure and continuing education audit.

Ms. Tatum failed to obtain twenty-five (25) of the required approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Tatum had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Tatum's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Easterly, to accept the proposed order as written. The motion carried. Ms. Tatum's license was placed on probation and she was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-five (25) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Fifty Dollars (\$1,550.00). 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.

Hai Yun Ren, LMT - 9643

Keith Hodges, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Stephen R. Darnell. Ms. Hai Yun Ren was not present or represented by an attorney. Mr. Cross made a motion, seconded by Ms. Easterly, to proceed in default with the hearing in Ms. Ren's absence. The motion carried. Kimberly Hodge, Massage Board Manager, testified for the Department of Health regarding Ms. Ren's massage licensure and continuing education audit.

Ms. Ren failed to obtain four (4) of the required approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Ren had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Ren's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Easterly, to accept the proposed order as written. The motion carried. Ms. Ren's massage therapist license is currently expired. Should Ms. Ren apply to reinstate her license, her license shall immediately be placed on probation. She was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) 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). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One

Thousand Dollars \$1,000.00. She would be required to make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle upon re-instating her license.

Contested Case Hearing

Gabriel Gardner, LMT - 7959

Mr. Stefan Cange, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Stephen R. Darnell. Mr. Gardner arrived late for his hearing, but was present and was not represented by an attorney. Ms. Ashley Fine, Mr. Cange' paralegal, testified and introduced evidence that a Notice of Hearing was sent to the respondent and signed for by Mr. Gardner. Kimberly Hodge, Massage Board Manager, testified for the Department of Health regarding Mr. Gardner's massage licensure and continuing education audit. Mr. Gardner stated that he did obtain the required twenty-four hours during the 2011/2012 continuing education cycle, but doesn't have access to the continuing education certificates to prove completion.

Mr. Gardner failed to obtain twenty-four (24) of the required approved hours of continuing education in the 2011-2012 continuing education cycle. Upon discussion and review, the Board found that Mr. Gardner had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining his required continuing education hours. Mr. Gardner's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to accept the proposed order as amended with the addition of one (1) Type B Civil Penatlty. The motion carried with Mr. Wray opposed. Mr. Gardner's license was placed on probation and he was assessed one (1) Type B Civil Penalty in the amount of Three Hundred dollars (\$300.00) and twenty-four (24) Type C Civil Penalties in the amount of fifty dollars (\$50.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Dollars (\$1,500.00). He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00, and make up all continuing education hours and penalty hours for the 2011-2012 continuing education cycle.

The meeting adjourned.

These minutes were approved at the May 2 – 3, 2016 board meeting.