

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
February 10 & 11, 2014

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
Cynthia Jagers, LMT, Secretary
Marvis Burke, LMT
Bethann Easterly, LMT
Julie J. Wray, LMT
Christi Cross, Citizen Member
Michael Velker, Citizen Member

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

The meeting was called to order at 9:20 a.m. by Mr. Ed Bolden, Board Chairperson.

Minutes

Ms. Cross made a motion to approve the November 4 & 5, 2013 minutes as written. Ms. Jagger seconded the motion. The motion carried.

Applicant Interviews

Nicholas Bergstrom, LMT

Mr. Bergstrom appeared before the Board at the November 4, 2013 meeting to explain a 2009 possession of marijuana and a 2011 merchant theft. Based on information in Mr. Bergstrom's file, he was requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the November meeting and stated that the assessment indicated no signs or symptoms of chemical dependency or other disorder. Ms. Cross made a motion to defer the application to the February 10, 2014 meeting, and refer Mr. Bergstrom back to Lighthouse for further assessment. Ms. Burke seconded the motion and the motion carried. Mr. Bergstrom along with Ms. Smithson appeared before the Board at the February meeting. Ms. Smithson advocated for Mr. Bergstrom to receive his Tennessee Massage license. After a brief discussion, Mr. Velker made a motion,

seconded by Ms. Cross to grant the license. The motion carried.

Jie Kirkendall

Ms. Kirkendall appeared before the Board to explain inconsistencies in her licensure application. Based upon the application she submitted, it appeared that Ms. Kirkendall had been practicing and receiving compensation as an unlicensed massage therapist since September 2012. Ms. Kirkendall's first language is Mandarin. Therefore, the Tennessee Massage Board administrative office provided an interpreter from Avaza Language Service Corp for the interview. The interpreter, Ms. Annie Chan ID # 3715, translated the Board's questions and concerns regarding the inconsistencies in Ms. Kirkendall's licensure application that she submitted for a Massage Therapist in TN. Ms. Kirkendall explained to the Board that she speaks and understands very little English and therefore had a difficult time completing the application with her husband and a friend. The Board voiced their concerns on how Ms. Kirkendall was able to pass the MBLEx exam without an interpreter since she can only speak and read a little English. Upon discussion, Ms. Cross made a motion to deny the application on the grounds of violation of Tenn. Code Ann. 63-18-108 (1), is guilty of fraud in the practice of massage or fraud or deceit in the licensee's admission to the practice of massage. Ms. Cross based her motion on the fact she felt Ms. Kirkendall had been working as an unlicensed massage therapist and the inconsistencies in her application. The motion was seconded by Ms. Easterly. The motion carried with Ms. Wray and Mr. Velker opposed.

Li Feng

Ms. Feng appeared before the Board to explain discrepancies in her Massage Therapist application packet. Ms. Feng wrote on her application under employment history that she was involved in a massage internship from April 2013 to June 2013. Ms. Feng's first language is Mandarin. Therefore, the Tennessee Massage Board administrative office provided an interpreter from Avaza Language Service Corp for the interview. The interpreter, Ms. Annie Chan ID # 3715, translated the Board's questions and concerns regarding the discrepancies in Ms. Feng's licensure application that she submitted for a Massage Therapist in TN. Ms. Feng explained to the Board that she speaks and understands very little English and therefore had a difficult time completing the application. After a discussion, Ms. Cross made a motion to deny the application on the grounds of violation of Tenn. Code Ann. 63-18-108 (1)), is guilty of fraud in the practice of massage or fraud or deceit in the licensee's admission to the practice of massage. Ms. Cross based her motion on the fact she felt Ms. Feng had been working as an unlicensed massage therapist and that Ms. Feng admitted that her work history information on her application was invalid. The motion was seconded by Ms. Wray. The motion carried with Mr. Velker abstaining.

HongFang Li

Ms. Li was asked to appear before the Board to explain discrepancies and concerns regarding her letters of recommendation. Based upon the letters of recommendation in her application, it appeared that Ms. Li had been practicing and receiving compensation as an unlicensed massage therapist. Ms. Li was not present at the meeting, and didn't send a written statement requesting that her application be deferred or withdrawn. After discussion, a motion was made by Ms. Cross to

deny the license on the grounds of violation of Tenn. Code Ann. 63-18-108 (1), is guilty of fraud in the practice of massage or fraud or deceit in the licensee's admission to the practice of massage and Tenn. Code Ann. 63-18-108(7), has violated any of the provisions of this chapter or any substantive rule promulgated under the authority of this chapter. Ms. Cross explained that TN. Code Ann. 63-18-108(7) coincided with TN. Code Ann. 63-18-104(a), which states that "persons or massage establishments engaged in massage for compensation shall be licensed by the massage licensure board. Ms. Cross based her motion on the fact she felt Ms. Li had been working as an unlicensed massage therapist and the inconsistencies in her application. The motion to deny was seconded by Ms. Burke. The motion carried.

Travis Cupp, LMT

Mr. Cupp appeared before the Board to explain a 2012 conviction for reckless endangerment. Based on information in Mr. Cupp's file, he was requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at that meeting and stated that the assessment indicated no signs or symptoms of chemical dependency or other disorder. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to grant the license. The motion carried.

Alan C. Lensgraf, D.C., Massage Establishment

Dr. Lensgraf appeared before the Board to explain why he answered "no" on his establishment application for Alan C. Lensgraf, D.C. to the question regarding any convictions other than a minor traffic offense. Dr. Lensgraf had a 1978 conviction for DWI, no driver's license, and a violation of the registration law. A motion was made by Mr. Velker to grant the license. The motion was seconded by Ms. Easterly. The motion carried.

Carrie L. Crane, LMT Massage Establishment

Ms. Crane appeared before the board to explain a 2009 Chiropractic Therapy Assistant Agreed Citation for a continuing education violation. After a brief explanation, a motion was made by Ms. Cross to grant the license. The motion was seconded by Ms. Jagger. The motion carried.

Amy Givens, LMT Massage Establishment

Ms. Givens appeared before the Board to explain inconsistencies in her reactivation application for her establishment, a 2012 conditional license upon re-instating her massage therapist license for practicing on an expired license, and operating an establishment on a lapsed license. Ms. Givens establishment license expired on November 7, 2008, but she continued to operate her establishment on a lapsed license until 2011. After a brief discussion, Mr. Velker made a motion to grant Ms. Givens a conditional establishment license in the State of Tennessee. Upon paying a five hundred dollar (\$500.00) civil penalty for working on a lapsed license, Ms. Givens' establishment license would be issued. The motion was seconded by Ms. Wray. The motion carried.

Shannon Clark, LMT Massage Establishment

Ms. Clark appeared before the Board to explain her 2005 conviction for bankruptcy and a 2010

Board ordered conditional license for forging a signature on a letter of recommendation. As part of the terms of the conditional license, Ms. Clark’s therapist license was placed on probation until she underwent an assessment with Lighthouse Professional Services, completed any and all Lighthouse requirements, and appeared before the Board at the March 5, 2013 meeting. Upon Ms. Clark completing all requirements her probation was lifted and she was granted a full unencumbered massage therapist license at the March 5, 2013 meeting. Ms. Jagger made a motion to grant Ms. Clark an establishment license. The motion was seconded by Ms. Wary. The motion carried with Ms. Cross opposed.

Kelly Derscheid, LMT Massage Establishment

Ms. Derscheid was asked to appear before the Board to explain concerns regarding her letters of recommendation. Based upon the letters of recommendation in her establishment application, it appeared that Ms. Derscheid had been operating and working in an unlicensed establishment since early 2013. After a discussion, Ms. Cross made a motion to grant Ms. Derscheid a conditional establishment license in the State of Tennessee. Upon paying a five hundred dollar (\$500.00) civil penalty for owning and operating an unlicensed establishment, Ms. Derscheid’s establishment license would be issued. The motion was seconded by Ms. Jaggars. The motion carried with Mr. Velker abstaining.

Financial Report

At the November 4, 2013 the Board requested from Ms. Lisa Tittle a detailed breakdown of revenue and fees to be presented at the February 10, 2014 meeting to aid the board with their discussion of possible fee decreases. At the November 4, 2014 meeting Ms. Lisa Tittle presented the financial report reflecting actual revenue and expenditures for fiscal year ending June 30, 2013. The report reflected a current year net of \$371,273.12 for FY2013 and an \$802,848.63 cumulative carryover as of June 30, 2013. Ms. Tittle proposed to the Board a reduction in massage therapist renewal fees to one hundred twenty-five dollars (\$125.00) and a reduction in massage establishment renewal fees to seventy-five dollars (\$75.00). No final action was taken.

Administrator/Directors Report

As of December 31, 2013 there were 4358 licensed massage therapists and 1597 licensed massage establishments.

Following is the license status since the last meeting:

THERAPISTS	ESTABLISHMENTS
October 2013	October 2013
Newly Licensed – 53	Newly Licensed – 17
Reinstates – 5	Reinstates – 2
Retired- 18	Retired – 5
New Applications- 49	New Applications- 22

THERAPISTS	ESTABLISHMENTS
November 2013	November 2013
Newly Licensed – 57	Newly Licensed – 24
Reinstates – 11	Reinstates - 3
Retired- 17	Retired – 8
New Applications- 62	New Applications- 24

THERAPISTS	ESTABLISHMENTS
December 2013	December 2013
Newly Licensed – 37	Newly Licensed – 17
Reinstates – 2	Reinstates- 3
Retired- 23	Retired- 9
New Applications- 16	New Applications- 16

Continuing Education Audit Report

Ms. Hodge presented the continuing education audit report to the Board for review for the audit periods from January 2008 through June 2013. During the audit period of January 2013 through June 2013 a total of 809 therapists were audited - 638, or 79%, of licensees were compliant and 171, or 21%, were non-compliant.

Ratify Agreed Citation for Lapsed License

Richard & Cheri Ridley, Owner, Appalachian Training Center for Healing Arts

Mr. Ridley agreed to pay a civil penalty in the amount of \$300.00 for operating a massage establishment on a lapsed license. Ms. Cross made a motion, seconded by Ms. Jagers, to ratify the Agreed Citation. The motion carried.

Ratify Agreed Citations for Continuing Education Violations

Upon review by the Board, a motion was made by Ms. Cross, seconded by Ms. Jagers, to approve the following Agreed Citations:

Shannon Denise Bland, LMT

Ms. Bland agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Aislinn Alyse Brown, LMT

Ms. Brown agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2011/2012 continuing education cycle.

Patricia Rooks Byrom, LMT

Ms. Byrom 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.

Dolores Champagne, LMT

Ms. Champagne agreed to pay civil penalties in the amount of \$625.00 for failing to obtain nineteen (19) hours of continuing education during the 2011/2012 continuing education cycle.

Yvonna Carol Covington-Dearen, LMT

Ms. Covington-Dearen agreed to pay civil penalties in the amount of \$625.00 for failing to obtain nineteen (19) hours of continuing education during the 2011/2012 continuing education cycle.

Amanda Denise Dickens, LMT

Ms. Dickens agreed to pay civil penalties in the amount of \$225.00 for failing to obtain three (3) hours of continuing education during the 2011/2012 continuing education cycle.

Janis Sue Emery, LMT

Ms. Emery agreed to pay civil penalties in the amount of \$225.00 for failing to obtain three (3) hours of continuing education during the 2011/2012 continuing education cycle.

Tracy Hilliard Freeman, LMT

Ms. Freeman agreed to pay civil penalties in the amount of \$575.00 for failing to obtain seventeen (17) hours of continuing education during the 2011/2012 continuing education cycle.

Charnold L. Hale, LMT

Mr. Hale agreed to pay civil penalties in the amount of \$625.00 for failing to obtain nineteen (19) hours of continuing education during the 2011/2012 continuing education cycle.

Paula Hawley, LMT

Ms. Hawley 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.

Tabatha Ann Jeter, LMT

Ms. Jeter agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2011/2012 continuing education cycle.

Amy Elizabeth Johnson, LMT

Ms. Johnson agreed to pay civil penalties in the amount of \$375.00 for failing to obtain nine (9) hours of continuing education during the 2011/2012 continuing education cycle.

Sallie Jo Katz, LMT

Ms. Katz agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2011/2012 continuing education cycle

Kayla Cherie Kirtley, LMT

Ms. Kirtley 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.

Billy Lamont McClain, LMT

Mr. McClain agreed to pay civil penalties in the amount of \$375.00 for failing to obtain nine (9) hours of continuing education during the 2011/2012 continuing education cycle.

Elyse Reschenberg McMeen, LMT

Ms. McMeen agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2011/2012 continuing education cycle.

La'Shon E. Merriwether, LMT

Ms. Merriwether agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Krystal Kaye Miller, LMT

Ms. Miller agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Karen Sue Moneymaker, LMT

Ms. Moneymaker agreed to pay civil penalties in the amount of \$350.00 for failing to obtain eight (8) hours of continuing education during the 2011/2012 continuing education cycle

Stacey Elizabeth Morris, LMT

Ms. Morris agreed to pay civil penalties in the amount of \$225.00 for failing to obtain three (3) hours of continuing education during the 2011/2012 continuing education cycle

Mary Marshall Markowitz, LMT

Ms. Markowitz agreed to pay civil penalties in the amount of \$650.00 for failing to obtain twenty (20) hours of continuing education during the 2011/2012 continuing education cycle.

Stacey Lea Pennington, LMT

Ms. Pennington agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Ashley Nicole Smith, LMT

Ms. Smith agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

Sai Ying Sun, LMT

Ms. Sun agreed to pay civil penalties in the amount of \$350.00 for failing to obtain eight (8) hours of continuing education during the 2011/2012 continuing education cycle.

Rachel Anne Waddell, LMT

Ms. Waddell agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2011/2012 continuing education cycle.

Stephanie Lynette Ward, LMT

Ms. Ward agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2011/2012 continuing education cycle.

Karen Lynn Wolff, LMT

Ms. Wolff agreed to pay civil penalties in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2011/2012 continuing education cycle.

The motion carried.

Ratifications

Ms. Cross made a motion to approve all new and reinstated licenses for massage therapists and massage establishments issued from October 16, 2013 through January 15, 2014. Ms. Burke seconded the motion. The motion carried.

Massage Therapists

PAMELA SLOAN ANGEL

RACHEL MARIE ANTHONY

ANGELA MARIE ARCHIBALD

TACHA A ARNEY

JAN LEIGH ASHFORD

GRACE KATHERINE BEECHAM

PAMELA ANNE LINZY

ASHLEY DEEANNA LORA

ZHI GANG LU

ZHIMEI LU

YURONG MA

DONGLAN MAO

JUAN JOSE BENABIDES JR.
SHANNON MARIE BLAIR
FAWN LYNNE BLUFORD
ALISA NICHOLE BREWER
MANCHURIA SIERRA BROWN
SONYA GAIL BULLOCK
ROBERT LEE CAMPBELL
SAMANTHA JO CAMPBELL
YONGZHOU CAO
GRETCHEN KELSEY CARRUBBA
YUEMING CHEN
ERNEST HENRY COE
GABRIEL COUTINO
VALERIE ANNE CUSHMAN
MICHELLE NICOLE DANIEL
JAMES LESLIE DAVIS
ANNA MARIE DE SANTIS
WESLEY RYAN DESHAZIER
BRITTANY AMANDA DORFMAN
VICTORIA RENE A DRIGGERS
ANGELITA FAYE DUNAWAY
ANGELA KAY EASLEY
MOLLY KATHERINE ENSIGN-SIMMONS
SARA CATHRYN EVANS
CHRISTI FACCINTO
HOWARD AARON FAGELMAN
JONATHON MICHAEL FALK
GARY JUSTIN FARR
LEMUEL FELIPE
MELANIE DIANE FERRELL
AMY LOUISE FOX-MAESTAS
CARLA SUZANNE GAMBRELL
BRUCE ALLEN GANTNER
DARREN DEAN GIBSON
MARY C GIOANNETTI
GEORGE BARCLAY GRAVES

AMBER DAWN MARTIN-LAND
CHRYSTAL MANE MARTINEZ
PATRICIA ARACELI MARTINEZ
CLARISSA ANN MASON
PHYLLIS JEANETTE MCALISTER
JATOLIA LYNN MCDOWELL
MEGAN BROOKE MCKINNEY
JEANNINE ANNE MCMANUS
ELIZABETH ELLEN MCPEEK
RITA MCRAY
MARIA JUDITH MENDOZA
MELINDA J. METZINGER
MCKENZIE RYAN MICHAELS
LISA LYNN MILLER
CHERYL ANN MISEL
LARENA ANN MITCHELL
MICHAEL BARRY MITCHELL
SABASTIAN ALVIN MYERS
CHELSEA LAUREN NADAL
BEVERLY AMANDA NAGEOTTE
TIEZHU NI
SARAH ELIZABETH NORRIS
ANNIE R OGLE
MELISSA CATHERINE OKEY
PATTI LEANN OVERHOLT
DANIELLE MARIE PARTON
APRIL RENEE PETERS
JANET LYNN PHILLIPS
STACIA LAYNE PILCHER
RHONDA JO PONTIUS
CRYSTAL MARIE PUGH
LINDA KIMBERLY REAVIS
KRISTOFER MICHAEL REIERSEN
DANIELLE LORRAINE REIMERS
IAN VONN RESCHKE
MEREDITH LYNNE RITSCHDORFF

KATHLEEN SUSAN HALL
VANESSA G.B. HENNESSEY
AMANDA LEIGH HINKLE
JANET MARIE HOLMES
JEFFREY BRIAN HUDSON
JESSICA MARIE HUMPHREY
ALICIA LACHONDRA HURST
JULIE BETH JARMAN
MARTHA ANNE JOHNSON
KAMY LUANN JONES
LANDON L. JONES
MEGAN CLAIRE KIPP
SAMANTHA DAWN KIRK
NICOLE ALYSE LASLEY
TABATHA RENEE LEATH
EMILY ANN LESTER
TONGSHE LI
CINDY KIM LIEU ALLEN
XIUQIN LIN

KAYLA LEANNE SHELTON
AMY BETH SHERMAN
CHAD EVERETT SMITH
JASON DAVID SPOON
SAMARA L STERN
CAMERON LAYNE TARVIN
ELIZABETH LANDIS TENNYSON
CHENOA DESIREE' TERRELL
MELODY MASHELLE THAMES
DORIAN EDWIN WALKER
APRIL NICOLE WALLER
MEREDITH BARRETT WEAVER
APRIL DAWN WELLS
LAUREN E WHITE
SCOTT ADAM WILLIAMS
OLGA ANATOLIYIVNA WINDSOR
PAMELA PATRICIA WORTH
NATHANIEL EVERETTE WRIGHT
LUWEN YUAN

Massage Establishments

(DBA) AMBER NOULLET, LMT
A PEACE OF HEAVEN AT UNFORGETTABLE VIEW
A SIMPLE TOUCH
AAA CHINESE THERAPEUTIC MASSAGE
ACU MASSAGE
AMBIANCE MASSAGE THERAPY
BACKWOODS BODYWORK
BALANCE MASSAGE SPA
BALANCE POINT INC. D/B/A BALANCE POINTS
BODY & SOLE
CAITLIN TODD, LMT
CALLA LILY DAY SPA & SALON LLC
CHINESE BACK RUB
DBA EXODUS HEALTH CENTER / JUSTIN ARD,
D.C., PLLC

MELODIC MASSAGE
MICHELLE DANIEL, LMT
NATURE'S HEALING ARTS
NEW BEGINNINGS HAIR SALON
NURTURING TOUCH
OUR LITTLE SECRET-MEDSPA
PAMPERED BODY THERAPIES INC.
PARADIGM SALON
PURE TANNING & SPA
REJUVENATING HEALTH MASSAGE THERAPY
RELAXATION AND WELLNESS
RUHANI THERAPEUTIC MASSAGE & BODYWORK
SAM'S NAILS AND SPA
SAMADHI

DRAGONFLY: INTEGRATIVE MASSAGE THERAPY	SHUI SPA
DUENSING CHIROPRACTIC	SK DAY SPA
ELEMENTS MASSAGE	SOUTHERN SERENITY MASSAGE
ELITE MASSAGE	SUNFLOWER HEALTH STORE
	TABLE MANNERS A PROGRESSIVE TOUCH
ELITE MED SPA, LLC	STUDIO
ELIZABETH BOSSE, LMT	THE ALTERNATIVE CENTER OF GILES COUNTY
GOLDEN BUTTERFLY SPA	THE BIG BUNGALOW BED & BREAKFAST
HEAVENLY HANDS NATURAL HEALTH MINI SPA	THE BLAKEFORD AT GREEN HILLS
HEIDI L.A.J. WEBB	THE MASSAGE OFFICE
INDIVIDUALS	THE SPA, MIDTOWN
JOANNE COORTS, LMT (BACK TO HEALTH CHIRO	TOTAL IMAGE
LI THERAPEUTIC MASSAGE	WYATT CHIROPRACTIC
MASSAGE AND BODYWORK BY YVONNE	WYNNE WITH MASSAGE

Massage Therapists Reinstated

ROBERT MAXWELL ANDERSON	DANA JOYCE HOVAN LMT
CARI BETH BARGER	AMY LOUISE KEITH
LARA ANNISE BODARY	AMY DIANE KIDWELL
JANICE LYNN CAMPBELL	RACHEL MARIE KIMBRO
LORI RAE CLARK	DONALD LEWIS
JAMIE M COLON-ORELUP	EMILY THERESA LINDENMUTH
ERINN MARIE DENT	BRENDA KAY LOWRY
EMILY REBEKAH DILLS	HEATHER LYNN WALTER ARNETT
DIANE RENATE DIXON	KATHERINE ELAINE WILLIAMS
JON MICHAEL HARVEY	BRIDGETTE N. WRIGHT

Massage Establishments Reinstated

ALL IN ONE SALON	LINDSEY'S HAIR DEPOT
APPALACHIAN TRAINING CENTER FOR HEALING	NU HEALTH THERAPIES BMS
BELLA AMICI SALON	STUDIO K SALON
DHARMA MASSAGE THERAPY AND BODYWORK	TAKES 2 FITNESS,LLC
GOVAN'S EXPRESSIONS	YEARS YOUNGER MEDISPA

Continuing Education Waiver Requests

Steven R. Braun, LMT

Mr. Braun requested a waiver for four (4) hours of continuing education for the 2011/2012 continuing education cycle. Mr. Braun stated in his waiver that he misunderstood and was confused on when TN law and ethics was to be completed. Ms. Cross made a motion, seconded by Ms. Jagger, to deny the waiver request. The motion carried.

Shelli Ann Furman, LMT

Ms. Furman requested a waiver for eighteen (18) hours of continuing education for the 2011/2012 cycle due to her certificates being destroyed by water damage. Ms. Cross made a motion, seconded by Ms. Burke, to deny the waiver request. The motion carried.

Lindsay Gayle, LMT

Ms. Gayle requested a waiver for four (4) hours of continuing education for the 2011/2012 continuing education cycle. Ms. Gayle stated in her waiver request that she was unaware that she was required to take Law & Ethics since she was a recent graduate and had completed TN law & ethics for initial licensure. Ms. Cross made a motion, seconded by Mr. Velker, to approve the waiver request. The motion carried with Ms. Burke opposed.

Ann Rosemarie Higgs, LMT

Ms. Higgs was present and requested a waiver for twenty-one (21) hours of continuing education for the 2011/2012 continuing education cycle. She was unable to show proof of her continuing education hours due to three moves. Ms. Higgs was also under the impression that she would be able to use her EMT continuing education for her LMT continuing education. Initially at the November 4, 2013 meeting Ms. Higgs's waiver request was denied, but Mr. Velker made a motion, seconded by Ms. Jagers, to reverse the denial and defer action until February 10, 2014 meeting to allow Ms. Higgs an opportunity to locate her continuing education. The motion carried. Ms. Higgs was not present at the February 10, 2014 meeting and was unable to locate and provide additional continuing education hours. Ms. Wray made a motion, seconded by Ms. Cross, to deny the waiver request. The motion carried.

Judith Estelle Kamsu, LMT

Ms. Kamsu requested a waiver for twenty-five (25) continuing education hours for the 2011/2012 continuing education cycle due to financial hardship and medical reasons. Ms. Easterly made a motion, seconded by Ms. Cross, to deny the waiver request. The motion carried with Ms. Burke opposed and Ms. Wray and Ms. Jagers abstaining.

Geoffrey A. Skene, LMT

Mr. Skene requested a waiver for ten (10) continuing education hours for the 2011/2012 continuing

education cycle due to not having the compatibility to access the appropriate computerized technology to complete his required hours. Mr. Skene is blind and requires a Reader and a special PC computer. Mr. Velker made a motion, seconded by Ms. Cross, to approve the waiver request. The motion carried.

Ratification of Continuing Education Waivers Approved by the Chair

At the November 4, 2013 meeting, Mr. Velker made a motion, seconded by Ms. Cross, to allow the chairperson the authority to review and approve, on an individual basis, continuing education waiver requests for two (2) hours or less so long as the two hours are not TN law and ethics. Ms. Cross made a motion, seconded by Mr. Velker, to approve the waiver request list that Mr. Bolden initially approved.

Approved Continuing Education Courses

Ms. Cross made a motion, seconded by Ms. Easterly, to approve the following continuing education courses:

1. “Essential Oils for Cancer Care” - 6 hrs. Faith Fairhope, LMT – TN110113-29
2. “The Essential Oils for a Healthy Practice”- 6 hrs. Faith Fairhope, LMT – TN110113-30
3. “Essential Oils for Massage Therapy Professionals”-2 hrs. Faith Fairhope, LMT- TN110113-31
4. “Restoring Harmony for Massage Therapist, Wellness Providers, & Other Caregivers” - 6 hrs. Deidre Butler, LMT – TN111913-32
5. “Tennessee Law and Rules 2013-2014” - 2 hrs. Diann Smithson – TN111913-33
6. Substance Abuse and the Massage Therapist 2013-2014 - 2 hrs. Diann Smithson – TN111913-34
7. “Authentic Chinese Acupressure Course 1” - 8 hrs. ChiaHung Shen – TN120413-35
8. “Introduction to Complementary Energy Therapies: Reiki and Qigong”– 18 hrs. Antoinette Baily, LMT & Cyndi Clark – TN011514-36
9. “Traditional Reiki Natural Healing Method, Practitioner I and II” – 12 hrs. Antoinette Baily, LMT & Cyndi Clark – TN011514-37
10. “Qigong: Cultivating Qi to Enhance Energy Work” – 6 hrs. Antoinette Baily, LMT & Cyndi Clark – TN011514-38
11. “Tennessee Massage Laws and Rules” – 2 hrs. Katrina Farber, LMT – TN02042014-39

Review Board Correspondence

Len Rossi, LMT

Mr. Rossi appeared before the Massage Board at the November 4, 2013 Board. He requested and was granted a waiver for one (1) hour of continuing education. Mr. Rossi wrote a letter to show his gratitude toward the Board and the administrative office for their assistance.

Rick Rosen, LMT

Mr. Rosen sent a letter to the Board titled “Model Regulations for Continuing Education in the Massage Therapy Field: A Simplified and Streamlined Approach for State Boards”. Mr. Rosen

stated that there were significant inconsistency in the standards for CE courses and providers, as well as concerns about the effectiveness of existing state and national approval mechanisms and the actual public benefit such requirements may produce. The purpose of his letter was to provide a brief overview of the problems with the current system of CE and its approval processes, and to provide a solution through a recommended set of administrative rules to be implemented by state massage regulatory agencies.

Federation of State Massage Therapy Boards

The Federation addressed the confusion that resulted in Mr. Rosen's letter and provided clarification on a number of related matters. The Federation stated that Mr. Rosen was not currently affiliated with the FSMTB, and that the model regulations for continuing education in the massage therapy field disseminated by Rick Rosen is an individual work, not related to nor affiliated with the FSMTB Model Practice Act (MPA). At the 2013 annual meeting of the FSMTB, the delegate assembly voted to create a Continuing Educational Task Force comprised of members of the regulatory community, to further explore continuing education regulation, including approval sources. The Federation is also currently working on the entry level analysis project (ELAP), and how this project will change how schools ensure education in the future by looking at and reviewing entry level core requirements for a massage therapist program.

Discuss and review Chapter 0870-02 General Rules Governing Massage Therapy Educational Programs

Mr. Bolden requested that the Board review and discuss Chapter 0870-02 the General Rules Governing Massage Therapy Educational Programs. Although the original rules were filed on March 24, 2006 and amended on as of September 6, 2012, many of the rules were not being enforced. The Board was requested to review the rules and decide which if any rules to add or delete during the rule making hearing, and to discuss the rules that the Board wanted to retain, but currently were not being enforced.

Rule 0870-02-02(2)(b) – The program director shall appear before the Board as part of the initial approval process. The curriculum shall be presented at the meeting. The Board unanimously directed the administrative office to implement the rule and require all new programs to appear before the Board.

Rule 0870-02-02(3)(b) – The program curriculum shall, at a minimum consist of five hundred (500) classroom hours in specific areas. The Board discussed requiring basic minimum curricular criteria to be established for the five (5) hour Tennessee law and ten (10) hour ethics course. The Board requested the administrative staff to mail out a questionnaire to poll all approved Tennessee Massage Schools and the Massage Associations on their input regarding the minimum curricular criteria for the initial Tennessee law and ethics class. Mr. Bolden agreed to work with the administrative office on creating the survey and a report will be given at the May 5, 2014 Board meeting.

Rule 0870-02-02(3)(d) – requires that each program shall ensure that each graduating class shall have received a minimum of two (2) hours classroom presentation prior to graduation by the impaired professional assistance program contracted by the Board. Both the program and the

impaired professional assistance program shall each maintain documentation of each presentation reflecting the date, time, and attendance of the presentation and shall make such documentation available upon request by the Board. Upon a discussion with Ms. Smithson, the Board agreed to support her creating a two (2) hour power point video on her website that outlines Lighthouse's services to the students in The Tennessee massage programs. The Board also discussed where the two (2) hour impaired professional assistance presentation should be applied within the five hundred (500) hour curriculum. The Board requested that the discussion be moved to the May 5, 2014 meeting for further comments.

0870-02-02(3)(e) – requires that each program must document that each student has signed and dated an acknowledgement that they understand the requirements for licensure, specifically the provisions regarding criminal convictions, upon application to the program. The Board voiced their concerns that this rule is not being adhered to by the Tennessee Massage programs due to the number of applicants that appear before the Board for answering no on the competencies question regarding criminal convictions. The Board requested that this rule be added to the May 5, 2014 meeting for further discussion. The Board will further discuss creating a statement to be added to the Tennessee school's enrollment agreement as well as possibly the Tennessee massage licensure application regarding criminal convictions. All students and applicants applying for licensure will be required to sign and acknowledge the statement before being granted admissions into the program or being licensed as a Tennessee massage therapist.

0870-02-02(3)(g) – This rule requires that each program must have a written protocol or policy on the mechanism to evaluate a student's performance. At least one (1) evaluation is required within the first half of the program. The Board will further discuss this rule at the May 5, 2014 meeting to determine if they would like to define and outline what specific objectives are to be evaluated regarding a student's performance.

0870-02-02(3)(j) – This rule outlines that the school's transcript shall include certain minimum requirements. Ms. Julie Woodruff, Director of the Division of Postsecondary School Authorization and Lead Attorney, explained the Tennessee Higher Education Commission definition of an official transcript and the information that is required to be on the transcripts. The Board will further discuss taking action on this rule at the May 5, 2014 meeting.

0870-02-02(5)(2)(a) – This rule states that the classroom size must accommodate the number of students enrolled in the program. The Board requested that this rule be discussed and that action be taken at the May 5, 2014 meeting to have the rule stricken at the rule making hearing.

0870-02-02(7)(1) – This rule requires that every Board approved program shall file an annual report with the Board on or before December 31 of each calendar year. The Board requested that this rule be discussed and that action be taken at the May 5, 2014 meeting to have the rule stricken at the rule making hearing. The Board also requested that a link be provided on the Massage Board's website to the Tennessee Higher Education Commission so that individuals would have access to the Tennessee massage school's annual reports.

0870-02-02(8)(2) – This rule outlines the fee schedule for educational programs. The Board

requested that this rule be discussed and that action be taken at the May 5, 2014 meeting to strike certain fees and adjust other fees at the rule making hearing. Mr. Bolden also requested that Ms. Sandra Hill prepare a brief report for the May 5, 2014 meeting that states the number of programs that were approved in 2013 and the average amount of time it took to review the school's curriculum.

Mr. Guilford clarified that the statute requires a remedial plan for Tennessee Massage Schools that are unable to maintain a seventy (70%) percent pass rate. Therefore the remedial application fee amount may be adjusted, but must remain in the fee schedule. He also stated that based upon the statute, the Board will be required to collect the information in the annual report that THEC does not report or require, and that the information shall be posted on the Tennessee Massage Board webpage. Mr. Bolden requested that all Board members review and be prepared to further discuss and take action on the complete packet for the Massage School Rules at the May 5, 2014 Board Meeting.

Investigation/Disciplinary Report

Ms. Lisa Lampley reported that there were one hundred eighteen (118) complaints received in investigations on massage therapist and twenty-nine (29) complaints received on massage establishments during the 2013 calendar year. As of December 2013, there were nineteen (19) open complaints for massage therapists and seventeen (17) open complaints for massage establishments.

Office of General Counsel Report

Mr. Marc Guilford, Board Attorney, reported that the Office of General Counsel (OGC) currently has one hundred and fifty-five (155) open cases pertaining to the Massage Licensure Board. Most of these cases are continuing education violation cases. He also reported there was no new legislation directly related to massage therapy. Mr. Guilford presented two (2) consent orders for the Board to review and approve.

Marlene M. Frame, LMT 680 - Marlene M. Frame's massage therapist license expired and she continued to practice on an expired license for five (5) months. Ms. Frame also had continuing education violations during the 2009-2010 and the 2011-2012 continuing education cycles. Pursuant to Ms. Frame's order, she paid one thousand six hundred fifty (\$1,650.00) dollars in penalties and agreed to complete all current as well as make-up and penalty hours. Ms. Cross made a motion, seconded by Ms. Burke, to ratify the consent order. The motion carried and Ms. Frame's license was re-instated.

Aubrey Boyd, LMT 5468 - Aubrey Boyd's massage therapist license expired, but he had continuing education violations during the 2009-2010 continuing education cycle. Based upon Mr. Boyd's order, he is required to pay seven hundred seventy-five (\$775.00) dollars within sixty (60) days of ratification of the order or set-up a payment plan. He has completed and submitted his make-up and penalty hours for the 2009-2010 continuing education cycle. Ms. Cross made a motion, seconded by Ms. Jagers, to ratify the consent order. The motion carried.

Christina Novello - Mr. Guilford also presented an Agreed Order for Christina Novello. Ms. Novello's application for licensure as a Tennessee massage therapist was denied at the August 5, 2013 meeting. The Board based their decision on Tenn. Code Ann. 63-18-108 (2), has been convicted in a court of competent jurisdiction of an offense that constitutes a felony or a misdemeanor under the laws of this state; 63-18-108(4), abuses or is addicted to the habitual use of intoxicating liquors, drugs or stimulants to such an extent as to incapacitate such person's performance of professional duties, and; 63-18-108(12) is guilty of unethical or unprofessional conduct. Mr. Velker explained that Ms. Novello's license was being denied because she had been found guilty and convicted of a misdemeanor and after being referred to Lighthouse, lied and tested positive for an illegal substance. Mr. Velker also voiced concerns regarding Ms. Novello's questionable conduct with Ms. Smithson at Lighthouse. Mr. Guilford explained to the Board that the Office of General Counsel as well as Ms. Novello's attorney felt that the order was a reasonable resolution, but informed the Board that if deemed necessary he was prepared to have a contested case the following day. He also informed the Board, that neither he nor any of the witnesses were able to answer questions regarding specifics of the case. Upon review of the agreed order and a brief discussion, Ms. Wray made a motion to reject the agreed order. The motion was seconded by Ms. Cross. The motion carried.

Being no further business, Ms. Cross made a motion to adjourn, seconded by Ms. Burke. The motion carried and the meeting adjourned at 4:32 p.m.

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
February 10 & 11, 2014

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
Cynthia Jagers, LMT, Secretary
Marvis Burke, LMT
Bethann Easterly, LMT
Julie J. Wray, LMT
Christi Cross, Citizen Member
Michael Velker, Citizen Member

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

The meeting was called to order at 9:25 a.m. by Mr. Ed Bolden, Board Chairperson.

Contested Case Hearing

Christina Novello -Ms. Novello was present and represented by her attorney, Mr. Ned Hildebrand. Mr. Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge, Marion Wall.

Ms. Novello’s application for licensure as a Tennessee massage therapist was denied at the August 5, 2013 meeting. The Board based their decision on Tenn. Code Ann. 63-18-108 (2), has been convicted in a court of competent jurisdiction of an offense that constitutes a felony or a misdemeanor under the laws of this state; 63-18-108(4), abuses or is addicted to the habitual use of intoxicating liquors, drugs or stimulants to such an extent as to incapacitate such person’s performance of professional duties, and; 63-18-108(12) is guilty of unethical or unprofessional conduct. Opening statements were given by both sides and witnesses were sworn in. Mr. Ned Hildebrand first witness was Dr. Salmaan Toor, a licensed psychologist. Dr. Toor testified via telephone that in his professional opinion is that Ms. Novello does not have a substance abuse or chemical dependency. He stated that Ms. Novello suffered from anxiety and depression, but through her current treatment and ongoing treatment she has and would continue to develop

coping mechanisms to deal with the anxiety and depression. Dr. Toor felt that Ms. Novello was fit to practice as a massage therapist in Tennessee, and recommended that she should continue to see a clinical psychologist for an additional six (6) to twelve (12) months to help manage her anxiety and depression. Ms. Novello testified on her own behalf, and Ms. Diann Smithson testified on behalf of the State of Tennessee. After listening to all the evidence in the case, the Board was handed a copy of the proposed Final Order and began open deliberation. Ms. Wray made a motion to accept the Findings of Fact and Ms. Burke seconded the motion. The motion passed. Ms. Wray made a motion to accept the Conclusions of Law as amended and Ms. Burke seconded the motion. The motion passed. Ms. Burke made a motion to grant Ms. Novello a conditional massage license. Ms. Novello is required to continue to see Dr. Salmann Toor, Ph.D. and Licensed Clinica Psychologist at his office once every other week for one year, for a total of twenty-six (26) meetings. Upon completion of the twenty-six required meeting, Ms. Novello shall cause Dr. Toor or her other mental health counselor to send written verification to the Board to confirm that she has completed this requirement, and a report on the petitioner's condition. During the twelve (12) month period, Ms. Novello will submit quarterly updates to the Board manager to indicate the name and address of her employment and to otherwise attest to her compliance with this Order. The majority of the believed, that given the testimony of Ms. Novello's psychologist and Ms. Diann Smithson, the conditions placed on Ms. Novello's license will protect the public. Ms. Easterly seconded the motion, and the motion passed with Ms. Cross opposed.

Mr. Bolden requested and the Board approved that several of the February 10, 11, 2014 agenda items be moved for discussion at the May 5, 6, 2014, August 11, 12, 2014, and October 27, 28, 2014 Board Meeting.

1. Review and consider revising Continuing Education Violations Policy in regards to civil penalties when a licensee is non-compliant less than two (2) hours and discuss reduction in required CE hours. – **Moved to the August 11, 12, 2014 Agenda**
2. Discuss creating a policy in regards to non-English speaking applicants and their understanding of the Tennessee Rules and Regulations. – **Moved to the August 11, 12, 2014 Agenda**
3. Discuss policy change regarding applicants with felony convictions. – **Moved to the May 5, 6, 2014 Agenda**
4. Review and establish law and ethics content and core curriculum criteria for initial licensure and continuing education requirements. – **Moved to the August 11, 12, 2014 Agenda**
5. Discuss and provide guidance to school instructors regarding classroom interpreters for foreign language students. – **Moved to the October 27, 28, 2014 Agenda**
6. Discuss and clarify if/when an applicant that has had discipline on their therapist license needs to appear when applying for an establishment license. - **Moved to the May 5, 6, 2014 Agenda**
7. Discuss if/when school curriculums should be resubmitted for re-approval and a school

representative appear before the Board. - **Moved to the August 11, 12, 2014 Agenda**

8. Discuss and review Chapter 0870-02 General Rules Governing Massage Therapy Educational Programs - **Moved to the May 5, 6, 2014 Agenda**
9. Receive annual report from Lighthouse Professional Services - **Moved to the May 5, 6, 2014 Agenda**

Applicant Interviews

Tracy Christine Fugitt

Ms. Fugitt appeared before the Board to explain a 1997 felony conviction for possession of methamphetamine and a 1997 conviction for escape. Ms. Fugitt also answered “no” to the application question regarding any convictions other than a minor traffic offense. A motion was made by Ms. Cross to grant the license. The motion was seconded by Ms. Burke. The motion carried.

Annual Report from Lighthouse Professional Services

Ms. Smithson, Director of Lighthouse Professional Services, presented the Board with the annual report detailing activities from November 14, 2003 through December 31, 2013. Ms. Smithson provided a brief explanation of the program’s expenditures and revenues. Ms. Smithson’s current grant is for \$98, 175.00 and based upon her report she dedicated 1, 976 hours providing services to the LMT program. Ms. Smithson further explained to the Board that based upon her current grant fund, she worked more hours than allotted. She provided in her report the actual cost per year and hour for operating the Light House program for massage therapist. The current contract ends June 30, 2014. Ms. Smithson will provide the Board a more detailed explanation of her annual report at the May 5, 6, 2014 Board meeting.

Discuss Lighthouse Contract Increase

Upon Ms. Smithson presenting to the Board her annual report for Lighthouse Professional Services, the Board discussed increasing Ms. Smithson’s contract based upon the services she currently provides. Mr. Velker made a motion, seconded by Ms. Cross to approve a new contract with Lighthouse Professional Services and to increase the contract to \$150,000.00 effective March 1, 2014. The motion carried.

Federation of State Massage Therapy Board Annual Conference

The Board briefly discussed the Federation of State Massage Therapy Board Annual Conference and training. Ms. Cross made a motion to approve the budget for the entire Tennessee Massage Board, the Massage Board’s attorney, and an administrative staff member to attend the annual meeting. Ms. Burke seconded the motion. The motion carried

Discussion Regarding Reciprocity

The administrative office asked for the discussion regarding reciprocity to be added to the agenda

in order to receive clarification from the Board on their interpretation of the Massage statute Tenn. Code Ann. 63-18-116 and rule 0870-01-04(m). After a brief discussion and legal guidance from the Board's attorney, the Board interpreted the statute and rule to require applicants coming in through reciprocity to meet the qualifications set forth in 63-18-105(3). The Board plans to outline the educational requirement in the rules and requested that their interpretation be added to the rule making package.

Board Discussion

Ms. Cross suggested a special called meeting in April to discuss massage rule changes. The Board agreed to meet on April 15, 2014.

Being no further business, Ms. Cross made a motion to adjourn, seconded by Ms. Burke. The motion carried and the meeting adjourned at 3:36 p.m.

These minutes were ratified at the meeting held on May 5 – 6, 2014.