

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
February 6, 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
Julie J. Wray, LMT
Christi Cross, Citizen Member
Bethann Easterly, LMT
Michael Velker, Citizen Member
Cynthia Jagers, LMT

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

The meeting was called to order at 9:17 a.m. by Dr. Ed Bolden, Board Chairperson. Dr. Bolden welcomed everyone to the meeting 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 October 24, 25, 26, 2016 minutes, Ms. Cross made a motion, seconded by Ms. Burke, to approve the minutes as written. The motion carried.

Directors Report

As of February 3, 2017 there were 4,275 licensed massage therapists and 1,668 licensed massage establishments.

Following is the license status since the last meeting:

THERAPISTS	ESTABLISHMENTS
October 2016	October 2016
Newly Licensed – 57	Newly Licensed – 22
Reinstate Applications – 9	Reinstate Applications – 2

Retired- 9	Retired – 6
New Applications- 49	New Applications- 23

THERAPISTS	ESTABLISHMENTS
November 2016	November 2016
Newly Licensed – 56	Newly Licensed – 20
Reinstate Applications – 16	Reinstate Applications – 6
Retired- 47	Retired – 5
New Applications- 34	New Applications- 20

THERAPISTS	ESTABLISHMENTS
December 2016	December 2016
Newly Licensed – 27	Newly Licensed – 22
Reinstate Applications –7	Reinstate Applications – 6
Retired- 72	Retired – 7
New Applications- 18	New Applications- 16

Office of Investigation/Disciplinary Report

Ms. Nichelle Dorroh, Disciplinary Coordinator, reported the Board currently has twenty-three (23) open complaints against massage therapists and ten (10) open complaints against massage establishments in the Office of Investigations.

Financial Report

Ms. Noranda French discussed the Boards Fiscal Year Report ending June 30, 2016. Ms. French reviewed the Board’s FY 16 actual revenue and expenditures. She briefly discussed all other direct expenditures for the Board, which totaled \$351,555.77. The Board’s total allocated expenditures for administration, legal, investigations and the cash office totaled \$245,265.57. The Board’s total expenditures for FY 2016 were \$596,821.34; revenue of \$730,946.82; current year net of \$134,125.48; and a cumulative carryover of \$1,157,469.20. Ms. French provided the Board with a proposed fee reduction for massage therapist and establishment renewals. Ms. French requested that the Board consider a future fee reduction based on the policy that a fee decrease should be considered if the Board’s cumulative carryover balance exceeds twice the 3 year average of the Board’s operating expenditures. Although the Board doesn’t currently meet the criteria to cause a fee reduction, the Board’s current cumulative carryover is close enough to prompt a discussion. During the discussion, Mr. Velker requested that Ms. French provide the Board with additional financial information at the May 11, 2017 Board meeting.

Continuing Education Report

Ms. Hodge stated from January 2016 to June 2016 the compliance unit audited a total of 110 massage therapists. Of the massage therapists audited, 83 were compliant (75%) and 27 were non-compliant (25%). Twenty-seven (27) licensees were deficient in required continuing education hours. Thirteen (13) failed to contact the compliance unit or submit documentation.

Applicant Interviews

Te Kimberly Chen

Ms. Te Kimberly Chen was asked to appear before the Board to answer and explain concerns regarding her educational transcript submitted from American College Massage School in Crown Point, Indiana for her massage therapy application. Ms. Chen attended a 1000 hour program that consisted of home study/online hours and in class hours. Additionally, there were concerns about the inconsistencies in her educational documentation received from American College Massage School. The school sent multiple catalogs that reflected various conflicting hours and various conflicting courses. Ms. Chen stated that she completed a 50 week massage program that consisted of 600 hours in class and 400 hours of home study, but her transcript reflected that she completed a 45 week program. After a brief discussion, Ms. Cross made a motion to deny the application. The motion failed. Mr. Velker made a motion, seconded by Ms. Easterly, to defer Ms. Chen's massage therapist application until the next scheduled Massage Board meeting to allow her time to consult with her school regarding the hours and course work she completed and request that the school send additional information to the Massage Board. The motion carried with Ms. Cross opposed.

Ting Hsuan Lee

Ms. Ting Hsuan Lee was asked to appear before the Board to answer and explain concerns regarding her educational transcript submitted from International Institute of Cosmetics in Denver, Colorado. Ms. Lee was not present for the meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with the application review in Ms. Lee's absence. Ms. Lee's school was closed by the Colorado Division of Private Occupational Schools for non-compliance with record keeping and other violations. The Board also considered the fact that after the school ceased operating, it continued to submit materials to the Tennessee Board on your behalf. Additionally, Ms. Lee's transcript didn't meet the required hours for licensure in Tennessee. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray to deny Ms. Lee's application based on T.C.A 63-18-108(1)(12). The motion carried.

Jin E. Lin

Ms. Jin E. Lin was asked to appear before the Board to answer and explain concerns regarding her educational transcript submitted from Florida Career School of Massage and Bodywork in Winter Garden, Florida. Ms. Lin was not present for the meeting and requested that her file be deferred for the second time to the next scheduled Massage Board Meeting. Ms. Cross made a motion, seconded by Ms. Burke, to proceed with the application review in Ms. Lin's absence. Mr. Velker was opposed to proceeding with the review of Ms. Lin's application. Ms. Lin's school was closed by the Florida Department of Education for multiple violations of non-compliance, which include change of ownership, change of address, and change of the school name without properly notifying the Florida Department of Education. Additionally, Ms. Lin's transcript didn't meet the required hours for licensure in Tennessee. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to deny Ms. Lin's application based on T.C.A 63-18-105(b). The motion carried.

Yingchun Sun

Ms. Yingchun Sun made application for an individual massage therapist license and an establishment license for Aroma Spa located at 112 Saundersville Road Suite B220 in Hendersonville, Tennessee. Ms. Sun was asked to appear before the Board to answer and explain concerns regarding her educational transcript submitted from Rosel School of Massage Therapy in Chicago, Illinois. Rosel was closed by the Illinois Board of Higher Education for multiple violations of non-compliance that included fraudulent transcripts and recordkeeping violations. Additionally, Ms. Sun's transcript didn't meet the required hours for licensure in Tennessee. The Board was also concerned Aroma Spa was advertising and open and operating without a valid Massage Establishment license. At the August 9, 2016 meeting, the Board revoked the establishment license for Shui Spa, which was owned and operated by Mr. Xiao Gang Zhang and is located at the same address as Aroma Spa. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Sun's massage therapist and establishment licensure applications. Ms. Sun stated that she was not associated with Mr. Zhang, but admitted that she hadn't obtained a new lease to operate Aroma Spa. On January 23, 2017, the Board Administrative Office called the telephone number associated with the Aroma Spa application and was able to make a 30 minute massage appointment. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross to deny Ms. Sun's massage therapist application based on T.C.A 63-18-105(b) and T.C.A 63-18-105(3)(A). The motion carried. Ms. Cross made a motion, seconded by Ms. Wray to deny Ms. Sun's massage establishment application for Aroma Spa based on T.C.A 63-18-108(1)(12). The motion carried.

Shubo Qin – DY Reflexology

Mr. Shubo Qin appeared before the Board to answer and explain concerns regarding his massage establishment application for DY Reflexology located at 810 NW Broad Street, Suite 238 in Murfreesboro, Tennessee. The establishment was owned and operated by Guo Dong Nie, but Mr. Nie retired his establishment license on December 7, 2016. The Board office then received an establishment application from Yan Xia Liu on December 13, 2016 for Red Rose Reflexology, Inc. located at the same address. Ms. Liu never completed her address for Red Rose Reflexology, Inc. On December 20, 2016, the Massage Board received Mr. Qin's application for DY Reflexology. The Board Administrative Office called the telephone number associated with the DY Reflexology application on January 23, 2017 and was able to confirm the address and make a 60 minute massage appointment for 10:00 am on January 24, 2017. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Mr. Qin's establishment licensure applications. Mr. Qin stated that he had taken over DY Reflexology and was using Mr. Guo Dong Nie's retired license. He also stated that he had operated the business for forty (40) days and that his wife, Ms. Yucui Liu, was the licensed massage therapist. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross to deny Mr. Qin's massage establishment application based on T.C.A. 63-18-104 and T.C.A 63-18-108(7). Mr. Velker also requested that a case be open on Ms. Liu for working in an unlicensed establishment and that fines be assessed if and when Mr. Qin reapplies for an establishment license. The motion carried.

Li Li – Mintee Spa

Ms. Li Li appeared before the Board to answer and explain concerns regarding her massage establishment application for Mintee Spa located at 1349 N Germantown Parkway in Cordova,

Tennessee. The Board was concerned that Mintee Spa was advertising and open and operating without a valid Massage Establishment license. Ms. Li is a licensed Massage Therapist and holds an active massage license. The Board Staff was able to find an advertisement for Mintee Spa on Spa Hunter's website. On January 19, 2017, the Board Administrative Office called the telephone number associated with the Mintee Spa's Spa Hunter advertisement and spoke with a female. The female stated that a massage appointment could be made, but that she was currently busy and instructed to call the following day. On January 23, 2017, the Board Administrative Office followed up with a phone call to the establishment, but was hung up on. Immediately the Board staff received text messages to schedule a massage appointment. The interpreter, Ms. Jiao Hoggard, translated the Board's questions regarding Ms. Li's establishment licensure applications. Ms. Li stated that Mintee Spa had been open and operating since January 2015, but she was under the impression that in January 2015 an agent in Memphis had applied for her establishment license. Ms. Li stated that she performed around 21 massages a week. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross to deny Ms. Li's massage establishment application based on T.C.A. 63-18-104 and T.C.A. 63-18-108(7)(12). The motion carried.

Anson Blake Kemper, MT

Mr. Anson Blake Kemper appeared before the Board to discuss and answer concerns regarding a 2011/2012 continuing education violation for twenty-five (25) hours that was referred over to the Office of General Counsel. Mr. Kemper's massage license was also active for 12 months during the 2013/2014 cycle before being suspended for a Tennessee Student Assistant Corporation (TSAC) violation on his student loans. Therefore, he was also requested to submit proof of completion of his required twenty five (25) hours of continuing education for the 2013/2014 cycle. Mr. Kemper was unable to show proof of completing any continuing education courses during the 2011/2012 or 2013/2014 cycles due to a financial hardship. After a brief discussion, Ms. Wray made a motion, seconded by Mr. Velker to grant Mr. Kemper a conditional probationary license. Mr. Kemper would be required to complete sixty-two (62) hours of continuing education and pay his civil penalty fines for a total of \$1,550.00 before his license could be reinstated. Once Mr. Kemper completes all required hours and pays all civil penalties, his license would be re-instated and be on probation through his next renewal cycle. The motion carried with Ms. Cross opposed.

Shujuan Sung

Ms. Shujuan Sung was present to answer and explain concerns regarding her educational transcript submitted from Hamilton College for her massage therapy application. Hamilton College is currently listed on the pending list with the California Massage Therapy Council. After a brief discussion, Ms. Cross made a motion seconded by Ms. Wray, to deny Ms. Sung's massage therapist application based on T.C.A 63-18-108(1)(12). The motion carried.

Michael Charles Free

Mr. Free was not present for the meeting. Ms. Cross made a motion, seconded by Mr. Velker, to proceed with the application review in Mr. Free's absence. Mr. Michael C. Free appeared before the Board on October 24, 2016 to answer and explain concerns regarding his misdemeanor convictions involving public intoxication, multiple DUIs, assault. Based on the information in Mr. Free's massage application, he was requested to contact the Tennessee Professional Assistance

Program for an evaluation. The evaluation recommended that Mr. Free participate in an outpatient substance use disorder treatment program and execute a monitoring agreement. Mr. Free notified TnPAP that he didn't agree with the evaluation recommendations. Therefore, TnPAP had no choice but to close his file. At the October 24, 2016 Board meeting, Mr. Free asked and was granted deferment of his application to allow him time to work with TnPAP. As of January 20, 2016, Mr. Free hadn't contacted TnPAP since October 26, 2016. After a brief discussion, Ms. Cross made a motion, seconded by Mr. Velker to deny Mr. Free's massage therapist application based on T.C.A 63-18-108(2)(4). The motion carried.

Christopher Blair Knott

Mr. Knott was not present for the meeting. Ms. Burke made a motion, seconded by Ms. Cross, to proceed with the application review in Mr. Knott's absence. Mr. Christopher Blair Knott appeared before the Board on October 24, 2016 to answer and explain concerns regarding his misdemeanor convictions involving a DUI, possession of a controlled substance, and theft of property. Based on the information in Mr. Knott's massage application, he was requested to contact the Tennessee Professional Assistance Program for an evaluation. TnPAP closed Mr. Knott's file due to him being unable to comply with the enrollment requirements. At the October 24, 2016 Board meeting, Mr. Knott asked and was granted deferment of his application to allow him time to work with TnPAP. Mr. Knott signed his monitoring agreement and attended his first outpatient treatment session on January 27, 2017. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross to deny Mr. Knott's massage therapist application based on T.C.A 63-18-108(2)(4). The motion carried.

Jennifer M. Picou, MT

Ms. Jennifer M. Picou appeared before the Board to answer and explain concerns regarding her therapist re-instatement application. Ms. Picou was convicted of a 2011 DUI, 2011 Violation of Probation, a second 2011 DUI, and a 2013 Public Intoxication. Based on the information in Ms. Picou's reinstatement application, she was requested to contact the Tennessee Professional Assistance Program for an evaluation. On December 22, 2016 Ms. Picou provided a specimen for her toxicology screening that was positive for alcohol. She was evaluated on December 30, 2016 and January 7, 2017, and the evaluator recommended that the applicant participate in individual therapy and sign a monitoring agreement. On January 25, 2017, Ms. Picou withdrew her request for service from TnPAP and her file was closed. At the meeting, Ms. Picou requested that she be able to participate in individual therapy with a Buddhist based Therapist. Mr. Harkreader, TnPAP Executive Director, provided Ms. Picou with three (3) therapist in Davidson County that work from the Buddhist perspective and Buddhist meetings that were equivalent to 12-Step programs. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray to defer Ms. Picou's re-instatement application to the next Massage Board meeting. The motion carried.

Applicant File Review – Education Concerns

- 1. Schools on Pending California Massage Therapist List** – Applicants listed below attended schools that are currently pending for approval or denial on the CAMTC list. Mr. Velker made a motion, seconded by Ms. Burke, to deny all applications based upon the schools not currently being approved by the CAMTC. The motion carried.

- a. Yunhuan Chen – Alive Institute of Therapeutic Massage
- b. Wei Chen – American Empire College
- c. Gui Li – Angeles College
- d. Lijiao Wei – Angeles College
- e. Xiufen Sun – Angeles College
- f. Luan Han - Coastline Beauty College
- g. LiYan Dong – Hamilton College
- h. Aiwen Lunn – Hamilton College
- i. Yingwei Wu – Hamilton College
- j. Guang Li – University of Western California

2. Schools not present on the CAMTC List - Applicants listed below attended schools that are currently not listed on the CAMTC’s approved, pending, or unapproved list of massage schools. Ms. Cross made a motion, seconded by Mr. Velker, to deny all applications based upon the schools not currently being approved by the CAMTC. The motion carried and MBLEx discrepancies were reported to the Federation of State Massage Boards (FSMTB).

- a. Baomei Zhao – Lincoln Institute
- b. Lixia Chen - Santa Ana Beauty College
- c. Yanping Li – Santa Ana Beauty College
- d. Hongmei Ma – Santa Ana Beauty College
- e. Shuling Zhang – Santa Ana Beauty College

Office of General Counsel Report

Mr. Marc Guilford stated there are currently 63 open cases in OGC. He briefly discussed with the Board the process of the rulemaking hearing and that the Rule Packet has been sent to the Attorney General’s Office for legality review.

Agreed Order

Body Enhancement Center – 877

Jennifer L. Putnam, Assistant General Counsel, presented and discussed the Agreed Order for Body Enhancement Center that is owned by Betty Harris. Ms. Harris operated Body Enhancement Center on a lapsed establishment license from September 1, 2014 until March 1, 2016 for a total of eighteen (18) months. Upon discussion and review, the Board found that Ms. Harris had violated the Tennessee Massage Licensure Board statutes and regulations by operating her establishment on a lapsed license. Ms. Harris’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. Harris’s establishment license was reprimanded and placed on probation until successful payment of all assessed civil penalties. Pursuant to the Board’s Unlicensed Establishment Policy,

she was assessed a base civil penalty in the amount of Three Hundred dollars (\$300.00) and eighteen (18) one hundred dollar civil penalties for each month the establishment operated on a lapsed license for a total assessment of Two Thousand One Hundred Dollars (\$2,100.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00.

William Frank Ritzer, L.M.T – 6489

Marc Guilford, Board Attorney, presented and discussed the agreed order for William Frank Ritzer. Mr. Ritzer was licensed by the Board as a Massage Therapist on August 29, 2007. Mr. Ritzer owned and operated Natural Spa located at 420 Dixie Lee Avenue in Monteagle, TN without holding a massage establishment license from 2009 through December 2011. Mr. Ritzer didn't live near Monteagle and arranged for another individual to operate the unlicensed establishment for him. He also allowed at least three (3) unlicensed individuals to perform massage in the establishment. The Stipulations of Fact above establish that Mr. Ritzer had violated T.C.A 63-18-108(7)(8)(12), and TENN. COMP. R. & REGS 0870-01-02(2)(b)(1), and 0870-01-.04.

After a discussion and review, the Board found that Mr. Ritzer had violated the Tennessee Massage Licensure Board statutes and regulations. Mr. Ritzer's conduct constitutes grounds for discipline. Ms. Cross made a motion, seconded by Ms. Burke, to approve the agreed order. The motion carried. Mr. Ritzer voluntarily surrendered his massage license which as the same effect as revocation.

Consent Order

Myra Stuart, L.M.T – 5

Mr. Peyton Smith, Assistant General Counsel, presented and discussed the consent order for Myra Stuart. Ms. Stuart stated that she completed her required twenty-five (25) hours of continuing education in the 2009/2010 and 2011/2012 continuing education cycle, but was unable to show proof of her hours due to a flood in her home that destroyed her certificates. She completed sixty-five (65) hours of continuing education between January 14, 2017 and January 21, 2017, and agrees that sixty-two (62) of the hours shall be counted toward her 2009/2010 and 2011/2012 continuing education cycle. Upon discussion and review, the Board found that Ms. Stuart had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Stuart'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. Stuart's license was placed on probation until all civil penalties and cost are paid in full. She was assessed fifty (50) Type C Civil Penalties in the amount of thirty dollars (\$30.00) for each continuing education hour violation for a total assessment of One Thousand Five Hundred Dollars (\$1,500.00). She was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00.

Wenping Zhang, L.M.T.-11205

LaChina McKinney, Assistant General Counsel, presented and discussed the Consent Order for Wenping Zhang. Ms. Zhang originally received a passing MBLEx score on March 8, 2013. On June 13, 2016 Ms. Zhang was notified that the MBLEx score was invalid and there was a twelve (12) month waiting period before reapplying to take the exam. Ms. Zhang violated T.C.A. 63-18-101; 63-18-105(b)(3); 63-18-108, and Tenn. Comp. R. & Regs. 0870-01-.01 and 0870-01-.04(1)(f). After a discussion and review, the Board found that Ms. Zhang had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Zhang's conduct constitutes grounds for discipline. A motion was made Ms. Cross, seconded by Ms. Jagers, to accept the consent order as written. The motion carried.

Ms. Zhang's massage therapist license was revoked. She may reapply to be licensed as a massage therapist once she has proof of a passing score on an examination approved by the Board. Ms. Zhang is required to pay all actual and reasonable costs or prosecuting the case not to exceed above three thousand dollars (\$3000.00). Revocation is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency.

Craig W. Roberts, L.M.T.-6275

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

Mr. Roberts'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 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). 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.

Gretchen Brunner, L.M.T - 8122

Marc Guilford, Assistant General Counsel, presented and discussed the Consent Order for Gretchen Brunner. Ms. Brunner retired her massage therapist and establishment license in November 2016. Ms. Brunner allowed Karen Wallace, owner of 1 of a Kind Massage, to use her establishment license while Ms. Wallace waited to be granted an establishment license for 1 of a Kind Massage. Although massage was practiced at 1 of a Kind Massage while the establishment was not licensed, Ms. Brunner stated that she never practiced massage therapy at 1 of a Kind Massage while it was not licensed. Upon discussion and review, the Board found that Ms. Brunner had violated the Tennessee Massage Licensure Board statutes and regulations by working in an unlicensed establishment. Ms. Brunner'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. Brunner's massage license was reprimanded. She was assessed one (1) Type C Civil Penalty in the amount of One Hundred Dollars (\$100.00) and was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Hundred Dollars \$200.00.

Christine Valentino, L.M.T. - 10129

Marc Guilford, Assistant General Counsel, presented and discussed the Consent Order for Christine Valentino. Ms. Valentino practiced massage therapy at Anderson Chiropractic from about April 2014 through about November 2015, and during that time Anderson Chiropractic was not licensed as a massage establishment. While working as a massage therapist at Anderson Chiropractic, Ms. Valentino performed about 8 to 10 massage per month. Upon discussion and review, the Board found that Ms. Valentino had violated the Tennessee Massage Licensure Board statutes and regulations by working in an unlicensed establishment. Ms. Valentino'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. Valentino's massage license was reprimanded. She was assessed fifteen (15) Type C Civil Penalties in the amount of Fifty Dollars (\$50.00) each, representing one such penalty for each month she worked in an unlicensed establishment for a total assessment of Seven Hundred Fifty Dollars (\$750.00). Ms. Valentino was required to pay all actual and reasonable costs of prosecuting the case not to exceed above One Thousand Dollars \$1,000.00.

Melanie C. Lyon, L.M.T. – 9717

Marc Guilford, Assistant General Counsel, presented and discussed the Consent Order for Melanie C. Lyon. Ms. Lyon failed to obtain six (6) of the twenty-five approved hours of continuing education in the 2011/2012 continuing education cycle. She obtained 55 hours of approved continuing education hours on the 2013/2014 cycle, but failed to obtain the four (4) required hours in law and ethics. Upon discussion and review, the Board found that Ms. Lyon had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Lyon's conduct constitutes grounds for discipline. A motion was made by Ms. Cross, seconded by Ms. Easterly, to approve the consent order as written. The motion carried.

Ms. Lyon's license was placed on probation, and she was assessed ten (10) 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 Hundred Dollars \$100.00, and make up all continuing education hours and penalty hours for the 2013-2014 continuing education cycle.

Crystal M. Washington, L.M.T. – 9382

Marc Guilford, Assistant General Counsel, presented and discussed the consent order for Crystal M. Washington. Ms. Washington failed to obtain four (4) of the twenty-five approved hours of continuing education in the 2011/2012 continuing education cycle. Upon discussion and review,

the Board found that Ms. Washington had violated the Tennessee Massage Licensure Board statutes and regulations by not maintaining her required continuing education hours. Ms. Washington'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. Washington's license was placed on probation, and she was assessed 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 Two Hundred Fifty Dollars (\$200.00). 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.

Presentation by the Tennessee Professional Assistance Program (TnPAP)

Mr. Mike Harkreader, Executive Director of TnPAP, and Ms. Elaine Eaton, Administrative Director, were present at the meeting and provided the Statistical Report for the Tennessee Professional Assistance Program for the period of July 1, 2016 to December 31, 2016. TnPAP is currently monitoring eight (8) massage therapists. He reported that there are three (3) effective agreements and one (1) pending agreement. There have been nine (9) Board referrals and eight (8) client files that were closed for either declining services or declining the recommendations. Mr. Harkreader stated that the Board's expenditures for evaluations and toxically screening equaled \$10,685.00 from July 1, 2016 to December 31, 2016.

Ratify Agreed Citations for Lapsed Licenses

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

Theresa Peach Barbercheck, LMT - 3559

Ms. Barbercheck agreed to pay a civil penalty in the amount of \$300.00 for practicing massage therapy on a lapsed license for six (6) months.

Kevin Lyle Bradley, LMT - 9912

Mr. Bradley agreed to pay a civil penalty in the amount of \$200.00 for practicing massage therapy on a lapsed license for five (5) months. The motion carried.

Jacinda Regina Butcher, LMT - 5479

Ms. Butcher agreed to pay a civil penalty in the amount of \$300.00 for practicing massage therapy on a lapsed license for six (6) months.

Julie Lowery Dunlap, LMT - 6314

Ms. Dunlap agreed to pay a civil penalty in the amount of \$300.00 for practicing massage therapy on a lapsed license for six (6) months.

Candace Elizabeth Harrison, LMT - 3298

Ms. Harrison agreed to pay a civil penalty in the amount of \$200.00 for practicing massage therapy on a lapsed license for five (5) months. The motion carried.

Benjamin Kenneth Stone, LMT - 5242

Mr. Stone agreed to pay a civil penalty in the amount of \$300.00 for practicing massage therapy on a lapsed license for six (6) months.

Garth & Sandra Whitcombe, Owner, Nashville Myofascial Release Center - 1234

Mr. & Ms. Whitcombe agreed to pay a civil penalty in the amount of \$300.00 for operating a massage establishment on a lapsed license for six (6) months. The motion carried.

Tiffany Cardin, Owner, Tiffany Cardin Massage - 682

Ms. Cardin agreed to pay a civil penalty in the amount of \$400.00 for operating a massage establishment on a lapsed license for seven (7) months. The motion carried.

Ratify Agreed Citations for Continuing Education Violations

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

Jessica S. Peterson, LMT

Ms. Peterson 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.

Keri L. Powe, LMT

Ms. Powe agreed to pay civil penalties in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2013/2014 continuing education cycle.

Tara Marie Robinson, LMT

Ms. Darden agreed to pay civil penalties in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2013/2014 continuing education cycle.

Ratifications

Ms. Burke made a motion, seconded by Ms. Cross, to approve the lists of ratification for initial and reinstated licenses for massage therapists and massage establishments. The ratification list included initially approved and approved conditional licenses from the October 13, 2016

Application Review Committee. The motion carried.

Massage Therapist

Borden Patrick Richard	Kimmerling Darci Lyn
Abell Robert	King Austin James
Absalom Heather Lea	Knudsen Svitlana Chekyna
Adamcik Elissa Lynn	Krasnow Katy Elizabeth
Allen Amanda Kay	Levan Dianne Renee
Allen Tonya Boes	Lewis Abihail Israel
Ammons Brenda Denise	Lopez Edgar
Askey Alissa Leigh	Lorch Chandlar Victoria
Ayers Nevaeh Sorreal	Maestas Federico Alan
Barr Julie Kim	Maggard Matthew Scott
Benavides Salvador	Martin Durreon Delorenze
Bennett Erin Paige	Mccoy Stacy Ann
Berry Elizabeth Dirce	Mcguigan Joseph Aloysios
Biggers Terry Kirkland	Mcguire Lauren Paige
Bivens Marc Anthony Ward	Mcmahan Amanda Lee
Blue Natalie	Mentouri Tarek Isaak
Boone Amber Renee	Milam Ramona Anne
Bosley Kevin Elliott	Millet Sarah Beth
Broadwater Melanie Aiken	Miu Christy Lyn
Caudill Ashley Stevenson	Miyake George Jr.
Ceban Olesea	Moon Ashleigh Rose
Chen Shuang	Morales Jacemyein Ellena
Chisolm Pil Nyo	Morris Allison Lee
Churchill Carol Lyn	Nieto Andrea Kristine
Cox Colleen Marie	Norris Erin Renea
Cramer Charlotte Ann	O'Hern Shawnesey Ryan
Creasman Anna Hope	Osborn Erica Marie
Croslin Bradshaw Cara Macmillan	Pegues John Henry Daniel Lee II
Crump Lauren Ashley	Petersen Robert William
Cyr Celeste Paulette	Phillips Teresa Marie
Daniels Destiny Montreal	Poole Darlene Marie
Davis Olivia Rose	Powell Phillip Canler
Day Kimberly Jo	Preston Kala A.
Dennis Stephanie Ann	Pulford Annette Marie
Dewitt Debra Bel	Quinn Leslie Ann
Dies Joseph Damon	Reedy Bethany Denice
Eddleman Heidi Deanyl	Rhoten Brenda Ann
England Victoria Anne	Roberts Tiffany Victoria

Evans Connie Suzette	Robinson Keven Wayne
Fedoseeva Irina M.	Robinson Tarra Leeann
Fiedor Savannah Grace	Rose Juliette Marie
Floyd Rachel Diane	Sabine Jay Daniel
Gray Florence Rebecca Leonie	Sammons Jonathan David
Gray Stephen Caleb	Schaffer Ryan Michael
Hamblin Catherine Elizabeth	Senne Gina Burgess
Hampton Megan Leigh	Smaracko Austin J.
Hansen Travis Jonathan	Smith Amanda Lashae
Harden Bryan Brinson	Smith Hannah Michelle
Harris Dayna Suzanne	Staiger Samantha
Harrison Taylor M	Stoglin Jessica Claire
Hathcock Veronica Leigh	Storie Tiffany Brooke
Hendrickson Ashley Lynn	Stroum Keri Lynn
Highley Audra Renee	Swann Derek James
Hudgins Amy Carol	Tillman Michaela Shawn
Hunt Katie Elizabeth	Travers Chanse Wayne
Inman Christy Lin	Tremble Barbara Jill
Jackson Taylor Noelle	Vanderlinden Katie Michelle
Joiner Jared Anthony	Vaughn Kimberly Chantell
Jones Janice	Wall Sara Elizabeth
Joseph Jason Scorpio	Wanless Jessica Sue
Joyce Tammy	Webb Marissa Renee
Judd Katie Beth	Whittemore Heather Marie
Jumper Victoria Darlene	Williams Tabitha Sarai
Kammerud Lisa Carole	Woodruff Kiera Ann

Massage Therapist Re-instatements

Bradley Kevin Lyle	Sanders Colin Reid
Cox Rebecca Rae	Stone Benjamin Kenneth
Fleet Cynthia Leigh	Spence David Andrew
Grimes Lakreshia Ann	Orr Hanz Kristopher
Harrington Debra Sue	Wells April Dawn
Harrison Candace Elizabeth	Anderton Jennifer G.
Lebaron Jennifer Sondra	Baker Stephanie Qwenshall
Linagen Kristin Nicole	Blanton Megan Leanne
Lowery Julie Lynn	Cooney Jessie Mae
Lowry Brenda Kay	Craig Kathryn Elaine
Mantor Brandon James	Duncan Jennifer Nora
Monroe Aleta Ann	Hardin Cassandre Dianna

Omar Atef Mohamed	Mcperson Daniel Charles
Parrish Mary Leigh Ann	Moore Leigh Allyson
Pippin Jerri Lynn	Phair Patricia A.
Reid Ramona I	Robinson Tara Marie
	Warren April Michelle

Establishments

100% Chiropractic	Masg-N-Go
Angelita'S	Massage By Hanah
Aqua Foot Spa	Metro Mesmerizing & Medical Massage
Aqua Footcare & Massage Center	Mfr Healing Touch
Blue Frog Massage	Mildred & Mable'S
Blue Mountain Mist	Miranda'S Massage
C.A.S. Massage	Mobile Body
Cormassage	Muscle Whisperer
Daily Spa	Music City Therapeutic Massage
Designed Touch By Erika	Nashville Orthopedic Massage
Emila Nelson Lmt - Joie De Vivre Massage	Nature'S Market
Erinn Dent - Massage Therapy	Nina Kuzina Fine Art Llc DbA Bucca Foot Spa
Essential Healing Massage Therapy	Nouveau Spa Inc.
Exodus Chiropractic	Pinnacle Physical Medicine & Rehab
Four Bridges Massage And Bodywork	Pk Adventures Llc DbA Fit Farm
French Family Chiropractic	Pressure Massage
Gallaher Plastic Surgery & Spa Md	Randi Kesling Lmt
Glamour Unlimited Salon	Refresh Nashville Llc
Greenchi Massage	Relief Beauty Spa
Hand And Stone	Renegade Yoga Llc
Harmony Massage By Jacque'	Revival Massage Therapy
Haun Chiropractic Llc	Shear Designs Salon
Healing Arts	Sun'S Up Tanning Spa & Boutique
Healing Hands Of Peace Ministry Inc.	Sunspa Day Spa & Tanning Salon
Heal-In-Time Massage Therapy	The Permanent Solution Salon
Jingyu Wu DbA Foot Spa & Massage	The Wellhouse Knox (A DbA Of Open Heart Doula Services Inc.)
Jolie Swanson Lmt	Therav Family Massage
Jon Ric International Massage & Wellness Spa	Union County Chiropractic Clinic
Joyful Day Spa Llc	Upper Cumberland Ped. Massage
	Wellness Center Of Franklin Llc

Establishment Re-instatement

Align	Turner Gifted Hands Massage Therapy
Believers' Touch	Ashley Pearce Massage
Center Medspa	Celebrity Brow & Massage Bar
Dedmon Chiropractic	Champion Massage
Laser Therapy And Chiropratic Center	Community Wellness Clinic
Mitchell Robert Studio Salon	Healing Touch
Nashville Myofascial Release Center	Nashville Healing Arts Studio
Olinda Jones Massage Therapy	Subtle Touch Massage Therapy
Ross The Boss And Co #2	Wendy Jarvis Lmt
Tiffany Cardin Massage	

Approved Continuing Education Courses

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

1. D. Scott Baily, LMT-Tennessee Law and Rules 2 hrs. TN010117-01
2. Mary Glesige, LMT-Tennessee Law for Massage Therapists 2 hrs. TN012017-02
3. Dee Vickers, LMT- Tennessee Massage Law (Live Webinar) 2 hrs. TN012017-03
4. Dee Vickers, LMT- Tennessee Massage Law 2 hrs. TN012017-04
5. Vicki Sutherland, LMT -Tennessee Law-Massage Statutes 2 hrs. TN012017-05
6. Marvis Burke, LMT-Tennessee Laws, Statutes, Rules, and Regulations 2 hrs. TN020317-06
7. Silke Tyler- Reiki 1 10 hrs. TN020317-07
8. Silke Tyler- Reiki 2 11 hrs. TN020317-08
9. Silke Tyler- Reiki ART/Reiki Master 14 hrs. TN020317-09
10. Charles West, LMT-Tennessee Massage Law (Live Webinar) 2 hours TN020317-10
11. Charles West, LMT- Tennessee Massage Law 2 hrs. TN020317-11
12. Pam Dent, LMT - Tennessee Law” – 2 hrs. TN020317-12

Review Board Correspondence

Tina J. Driver, LMT – Interpretation of Law Pertaining to Reiki Practitioners

Ms. Lisa Lampley, Massage Board Director, read a letter from Tina J. Driver regarding her request for the Board clarify their interpretation of the laws pertaining to Reiki Practitioners. Ms. Driver also requested that the Board's interpretation, be added to the Massage Board Rules and Regulations so that no further misunderstanding may among Reiki Practitioners. After a very detailed discussion, it is the Board's opinion that any technique that does not include any touching of the body does not meet the definition of massage in Tennessee. However, the Board is aware that Reiki and other "energy work" often involves the practitioner touching the client's body and manipulating the client's soft tissues through various techniques. It is the Board's opinion that any technique that does include such soft tissue manipulation constitutes the practice of massage in Tennessee, and the practitioner should therefore be licensed by the Board unless otherwise exempt pursuant to T.C.A. § 63-18-110. Ms. Cross made a motion, seconded by Ms. Burke for Mr. Guilford to create a policy with the Board's opinion to be placed on the Massage Board web page. The motion carried.

Dylan Heim – Therapy Laser

Ms. Lisa Lampley, Massage Board Director, read a letter from Dylan Heim, K-Laser Consultant, regarding his request to know if the Board allowed Licensed Tennessee Massage Therapist to use Therapy Laser. Mr. Heim wrote that the FDA recognized Therapy Laser to create heat used for temporary increase in local blood circulation, relaxation of the muscles, and provide temporary relief in minor muscle and joint aches, pain and stiffness, muscle spasms, and minor pain and stiffness associated with arthritis. After a discussion, Mr. Cross made a motion, seconded by Ms. Burke to have the Administrative Office send Mr. Heim a letter informing him that based upon his letter of explanation and the Board's understanding of Therapy Laser, it doesn't constitute the practice of massage therapy in Tennessee. The motion carried.

Larrie Rodriguez, LMT – Non-licensed Massage Therapist Performing Thai Yoga/Massage

Ms. Lisa Lampley, Massage Board Director, read a letter from Larrie Rodriguez and Katrina Farber regarding their request to know the Board's position, considering the Board's rules on the definition of massage and bodywork, for unlicensed massage therapist to perform services such as Thai Yoga Bodywork, Thai Bodywork, Thai Massage, and Thai on the table to the public for compensation. They also requested the Board's opinion on whether educators could train the non-licensed therapist to perform the services above. After a detailed discussion, the Board requested that a response be sent thanking Ms. Rodriguez and Ms. Farber for bringing the issue to the Board's attention and that further discussion will occur in the future. If they feel that a violation of the Massage Board Practice Act has occurred, the Board requested that they report it to the Office of Investigations.

Request for Continuing Education Waiver

Yolanda C. Heuser, LMT

Ms. Yolanda Heuser was present at the meeting and requested a waiver for twenty-five (25) continuing education hours for the 2015/2016 continuing education cycle due to health issues. Ms. Heuser also mailed medical documents and a letter requesting a waiver for the Board to consider

and review. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Burke to approve Ms. Heuser's waiver request. The motion carried.

Delores Curtis, LMT

Ms. Delores Curtis requested a waiver for twenty-five (25) continuing education hours for the 2015/2016 continuing education cycle due to medical reasons. Ms. Curtis mailed a letter requesting a waiver along with a letter from her medical doctor for the Board to consider and review. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray to approve Ms. Curtis's waiver request. The motion carried.

Sarah Dawson, LMT

Ms. Sarah Dawson requested a waiver for twelve (12) continuing education hours for the 2015/2016 continuing education cycle due to financial and family issues. Ms. Dawson mailed a letter requesting a waiver for the Board to consider and review. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Easterly to deny Ms. Dawson's waiver request due to lack of documentation to support her request. The motion carried with Ms. Wray opposed.

Jamie Fowler, LMT

Ms. Jamie Fowler requested a waiver for thirteen (13) continuing education hours for the 2015/2016 continuing education cycle due to medical reasons. Ms. Fowler mailed a letter requesting a waiver along with a letter from her medical doctor for the Board to consider and review. After a brief discussion, Ms. Cross made a motion, seconded by Mr. Velker to approve Ms. Fowler's waiver request. The motion carried.

Dianna Robertson, LMT

Ms. Dianna Robertson requested a waiver for twenty-three (23) continuing education hours for the 2015/2016 continuing education cycle due to family health issues. Ms. Robertson mailed a letter requesting a waiver for the Board to consider and review. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Jagers to deny Ms. Robertson's waiver request due to lack of documentation to support her request. The motion carried.

Karen Wallace, LMT

Ms. Karen Wallace requested a waiver for eighteen (18) continuing education hours for the 2015/2016 continuing education cycle due to financial and health issues. Ms. Wallace mailed a letter requesting a waiver for the Board to consider and review. After a brief discussion, Ms. Cross made a motion, seconded by Ms. Wray to deny Ms. Wallace's waiver request due to lack of documentation to support her request. The motion carried.

Rachel Wanyoike, LMT

Ms. Rachel Wanyoike requested a waiver for twenty-five (25) continuing education hours for the 2015/2016 continuing education cycle due to financial issues. Ms. Wanyoike mailed a letter requesting a waiver for the Board to consider and review. After a brief discussion, Ms. Wray made

a motion, seconded by Ms. Cross to defer Ms. Wanyoike's request to the next Board Meeting to allow her an opportunity to submit additional documentation from the Path program.

Continuing Education Webinars Online

The Board discussed continuing education webinar classes that are listed as live webinars on the NCBTMB and other provider websites, but are only offered in a live interactive webinar the first time and then are offered as pre-recorded webinars. Ms. Hodge stated that she is having to contact continuing education providers to verify if the date of the course was offered in a live webinar or was completed as a pre-recorded webinar. After a discussion, Ms. Cross made a motion seconded by Ms. Burke, to have Dr. Bolden send a letter to the Associated Bodywork & Massage Professionals (ABMP), Federation of State Massage Therapy Boards (FSMTB), and the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) regarding working together to find a solution on how Boards and therapist can distinguish between live and pre-recorded webinars. The motion carried.

FSMTB CLEAR Online Board Member Training: Introduction to Regulatory Governance

The Board briefly discussed the FSMTB Council on Licensure, Enforcement, and Regulations' (CLEAR) Online Board Member Training. The training is free and is offered to all Board Members and Board Administrative Staff that are Member Boards of the FSMTB. Introduction to Regulatory Governance is a program designed to provide the proper foundation for effective regulatory board leadership including the fundamental role of Board members, the significance of professional discipline processes, and the role of the Board in assessing professional competence. All Board members that are interested in participating were asked to let Ms. Hodge know so that she could sign them up for the training.

Appoint a staff member to attend the FSMTB Executive Directors' Summit

The FSMTB will host the Executive Directors' Summit on March 30-31, 2017 in Kansas City, Missouri. The Summits focus is geared toward fraud detection and prevention. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Burke to appoint Ms. Kimberly Hodge attend the Executive Directors' Summit. The motion carried

Tennessee Massage School Annual Reports

Dr. Bolden briefly discussed the Tennessee Massage School Annual Reports that covered July 1, 2015 to June 30, 2015. He reported that Tennessee has a 73% first time pass rate for the MBLEx exam. The Board also discussed T.C.A 63-18-115(5), which requires annually publish passage rates for each school of massage therapy, based upon the results of each student's success in taking a national examination approved by the Board. Schools that fail to achieve an overall passing rate of seventy percent (70%) shall be required to submit a remedial plan to be approved by the Board. After a discussion, the Board directed that the Office of General Counsel send a letter to all Tennessee Massage Schools that were below the seventy percent (70%) pass rate for the 2016 annual report, and require the schools to submit a remedial plan to the Board for review. Ms. Cross made a motion, seconded by Ms. Burke, to approve the annual report and to post it to the Board web site. The motion carried.

Interpreters provided by the Board for ARC and Board Meetings

Discussion was deferred to the next Board meeting to allow Mr. Guilford an opportunity to discuss with the Board is required to provide interpreters with the Title VI Coordinator. Ms. Cross made a motion, seconded by Wray to defer the discussion to the following Massage Board Meeting. The motion carried.

Adoption of Taskforce Recommendation for Law Classes

Ms. Jagers discussed her concerns regarding the lack of requirements for Tennessee Law providers. She stated that she has received several complaints from therapist regarding the instructor after completing the two (2) hour required Tennessee Law Class for continuing education. Ms. Jagers also expressed that she felt that there should be a test given to all participants that sign up and attend the five (5) and (2) hour Tennessee Law Class, and that the student or therapist should be required to pass the exam in order to receive a certificate or transcript of completion. After a very detailed discussion, the Board decided to table the discussion of requiring a test and the setting specific requirements to teach and be approved as a Tennessee Law continuing education provider until the following Board meeting. Ms. Cross made a motion, seconded by Ms. Easterly, to adopt the Tennessee Law Taskforce Curriculum as a policy and require that it be taught by all schools and CE providers during the five (5) and (2) hour Tennessee Law Classes. The motion carried.

Unapproved School List

Dr. Bolden requested that an unapproved school list be added to the Massage Board webpage. The unapproved list would list the schools in each that doesn't meet Tennessee educational requirements and/or the school is not approved by an institution equivalent to the Tennessee Higher Education Commission (THEC). After a brief discussion, the Board requested that the Administrative staff only add the Tennessee unapproved massage schools to the Board webpage.

Pilot program of the Massage Therapy Licensing Database (MTLD) for the Federation of State Massage Boards

Ms. Cross made a motion, seconded by Mr. Velker to defer the topic until the next scheduled Board meeting. The motion carried.

Online Core Curriculum

Dr. Bolden appointed Ms. Burke to work with Mr. Guilford on researching the possibility of offering online core curriculum.

Discussion

Mr. Velker requested that Mr. Guilford create a lapsed establishment license policy and present it for review and approval at the next schedule Board meeting.

The Board adjourned.

MINUTES
TENNESSEE MESSAGE LICENSURE BOARD
February 7, 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
Julie J. Wray, LMT
Christi Cross, Citizen Member
Bethann Easterly, LMT
Michael Velker, Citizen Member
Cynthia Jagers, LMT

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

The meeting was called to order at 9:16 a.m. by Dr. Ed Bolden, Board Chairperson. 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.

Applicant Interviews

Shaundra Harris, MT

The Board first reviewed and denied Ms. Harris's application for working on a lapsed license at the February 6, 2017 Board Meeting. The Board also requested that a case be open on Beauty and Beyond Day Spa in Dyersburg, Tennessee for allowing Ms. Harris to perform massages in the licensed establishment on a lapsed license. Ms. Harris was not present at the February 6, 2017 meeting, but was present at the February 7, 2017 meeting. Ms. Wray made a motion, seconded by Ms. Burke to reconsider Ms. Harris's reinstatement application. The motion carried. Ms. Harris stated that she had performed some massages at Beauty and Beyond Day Spa in Dyersburg, Tennessee since her license expired on September 30, 2015. Ms. Harris stated that she had suffered from several health issues. After a brief discussion, Mr. Velker made a motion, seconded by Ms. Cross to grant a conditional license. Ms. Harris was required to pay \$100.00 in civil penalties for working on a lapsed license before her license would be re-instated. The motion carried.

Agreed Order

Jeremiah D. Steinhauer, L.M.T - 6389

Marc Guilford, Assistant General Counsel, presented and discussed the Agreed Order for Jeremiah D. Steinhauer. In 2010, Mr. Steinhauer committed a breach of ethical boundaries by massaging a female client's breast. Mr. Steinhauer self-disclosed the incident to the Office of Investigations shortly thereafter. Since the time of that incident, no complaints have been filed against Mr. Steinhauer license, nor have any complaints been filed against his establishment license. Upon a detailed discussion and review, the Board found that Mr. Steinhauer had violated the Tennessee Massage Licensure Board statutes and regulations for breach of the practice act described above. Mr. Steinhauer's conduct constitutes grounds for discipline. A motion was made by Ms. Wray, seconded by Ms. Easterly, to approve the agreed order as written. The motion carried with Mr. Velker opposed.

Mr. Steinhauer's massage license was reprimanded. He was assessed one (1) Type B Civil Penalty in the amount of Two Hundred Dollars (\$200.00) and was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Two Hundred Dollars \$200.00.

Contested Case Hearings – Proposed Final Orders

Dongmei Li, L.M.T. - 11291

Jennifer L. Putnam, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Michael Begley. Ms. Li was not present for the contested case hearing. Ms. Cross made a motion, seconded by Ms. Burke, to proceed in default with the hearing in Ms. Li's absence. Ms. Putnam presented a certified copy of Ms. Li's application from the Board Administrative Office and a certified copy of Ms. Li's invalidation of her MBLEx scores from the Federation of State Massage Boards office.

Ms. Li originally received a passing MBLEx score on July 8, 2013. On June 13, 2016 Ms. Li was notified that the MBLEx score was invalid and there was a twelve (12) month waiting period before reapplying to take the exam. Ms. Li violated T.C.A. 63-18-101; 63-18-105(b)(3); 63-18-108, and Tenn. Comp. R. & Regs. 0870-01-.01 and 0870-01-.04(1)(f). After a discussion and review, the Board found that Ms. Li had violated the Tennessee Massage Licensure Board statutes and regulations. Ms. Li's conduct constitutes grounds for discipline. A motion was made Ms. Cross, seconded by Ms. Burke, to accept the proposed final order as written. The motion carried.

Ms. Li's massage therapist license was revoked. Ms. Li is required to pay all actual and reasonable costs or prosecuting the case not to exceed above three thousand dollars (\$3000.00). Revocation is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency.

Aubrey Boyd, L.M.T. – 5468

Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. The proceedings were presided over by Administrative Law Judge Michael Begley. Mr. Boyd was not present for the contested case hearing. Ms. Cross made a motion, seconded by Ms. Burke, to proceed in default with the hearing in Mr. Boyd's absence. Mr. Guilford presented two (2) separate Reinstatement applications that were submitted by Mr. Boyd and an order reinstating Mr. Boyd's license with conditions for a 2009/2010 continuing education violation. Mr. Guilford also called Kimberly Hodge, Board Director, to testify on Mr. Boyd's licensure status and his 2014 re-instatement applications.

Mr. Boyd was licensed as a Massage Therapist on September 9, 2005 and has a current expiration date of February 28, 2017. His massage license was in expired status from March 1, 2013 until March 1, 2014. During his license expired status, Mr. Boyd continued to work and perform massages. Mr. Boyd violated T.C.A. 63-18-108 (7)(12) and T.C.A. 63-18-104(a). After a discussion and review, the Board found that Mr. Boyd had violated the Tennessee Massage Licensure Board statutes and regulations. Mr. Boyd's conduct constitutes grounds for discipline. A motion was made Ms. Cross, seconded by Ms. Burke, to accept the proposed final order as written. The motion carried.

Mr. Boyd's massage license was reprimanded and placed on probation until successful payment of all assessed civil penalties. He was assessed six (6) Type B Civil Penalty in the amount of One Hundred dollars (\$100.00) for working on a lapsed license from June 2013 through November 2013 and four (4) Type B Civil Penalties in the amount of Two Hundred Fifty Dollars (\$250.00) for working on a lapsed license from December 2013 through March 2012, for a total assessment of One Thousand Six Hundred Dollars (\$1,600.00). He was required to pay all actual and reasonable costs of prosecuting the case not to exceed above Three Thousand Dollars \$3,000.00.

The Board Adjourned.

These minutes were approved at the meeting held on June 6 – 7, 2017.