

Minutes
Tennessee Massage Licensure Board
August 9, 2021

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<https://web.nowuseeit.tn.gov/Mediasite/Catalog/Full/98fe21d561e9489487745f0c7da678b221>

Time: 9:00 a.m. Central Standard Time
Location: 665 Mainstream Drive
HRB Conference Center
1st Floor, Iris Room
Nashville, TN 37243

Members Present: Marvis Burke, LMT, Chairperson
Dee Vickers, LMT
Ed Bolden, LMT
Bill Mullins, LMT
Virginia P. Yarbrough, LMT
Michael Velker, Public Member

Staff Present: Kimberly Hodge, Board Manager
Noranda French, Unit 2 Director
Marc Guilford, Office of General Counsel

The meeting was called to order at 9:12 a.m. by Ms. Marvis Burke, Chairperson. Ms. Burke acknowledged and thanked the therapists, schools, students, and members of the public attending the meeting. Ms. Burke asked that any member of the public who wished to comment on any agenda item sign up on the sign-up sheet so that they can be called on at the appropriate time. Ms. Burke thanked Dr. Bolden for his years of service to the Board, as his term as Board member is coming to an end. Ms. Burke also thanked Officer Davis for being present at the meeting.

Ms. Burke stated that the reason the Board exists is to protect the health, welfare, and safety of the people of Tennessee. Ms. Kimberly Hodge conducted a roll call to establish a quorum. A quorum was established. Ms. Hodge then conducted a roll call of staff. All staff required to be present were in attendance.

Receive, discuss, and/or update Board on New Business in Administrative Office (Time – 03:20)

Introduction of new General Counsel, Grant Mullins (Mr. Mullins deferred to May) for Tennessee Department of Health (Time – 03:27)

Ms. Hodge stated that Mr. Grant Mullins was unable to be present at the meeting, and that the Board would be introduced to him at another meeting.

Update on School Meeting held Thursday, April 1, 2021 (Time – 4:13)

Ms. Hodge stated that the first School Meeting was held on April 1, 2021 and was very successful. There was a good turnout from the schools, and many topics were discussed, including the Board's Rules, and a good interaction was had between the school owners/directors and Ms. Hodge, Ms. French, and Mr. Guilford. Ms. Hodge stated that she plans to hold another School Meeting closer to the end of this year, and that she welcomes suggestions from the schools for discussion points for that meeting's agenda.

Suspension for Default on Student Loans (Time – 05:08)

Ms. Hodge stated that she hoped that Mr. George Darden, HRB director, would be able to come down to the meeting later to tell the Board what he had learned in his efforts to discover more information about the suspension for default on student loans. Ms. Hodge stated that it had been very difficult to obtain any information so far.

Board Member Term – Dr. Bolden and Mr. Velker (Time – 05:36)

Ms. Hodge stated that Dr. Bolden's term as a Board member had ended, but that he was graciously going to continue to serve until his replacement was appointed. Ms. Hodge stated that Dr. Bolden had served on the Board since 2011, and that he has agreed to continue to serve in a voluntary capacity as an educational consultant to the administrative office.

Ms. Hodge stated that Mr. Velker's term as a Board member was going to end before the November 2021 Board meeting unless he was re-appointed. Ms. Hodge thanked Mr. Velker for his very valuable service for over ten years as the Board's citizen member, providing the Board with a view from outside the profession. Ms. Hodge noted that for some time, Mr. Velker has served as the Board's only citizen member.

Mr. Velker stated that he had much enjoyed serving on the Board, and much appreciated Dr. Bolden's service and that of the other LMT Board members.

Update on Rulemaking Hearing (Time – 07:09)

Mr. Marc Guilford announced that there would be no rulemaking hearing on any fee increases at this meeting, but that he expected that this would happen at the November 2021 Board meeting. Mr. Guilford stated that while his office is still working on a rulemaking hearing for licensure by reciprocity, that would not be ready in time for the November 2021 Board meeting.

TnPap Website Update (Time – 09:28)

Ms. Hodge announced that TnPAP has updated their webpage, and that all the updated links have been posted to the Massage Licensure Board's public website.

Update on Massage Board Sunset Review Hearing (Time – 09:59)

Ms. Hodge stated that the administrative office went before the Gov Ops in June 2021 for the regularly scheduled Sunset Review Hearing, and that Gov Ops graciously granted the Board six (6) more years to operate. Ms. Hodge stated that the Board would hear more information about the Gov Ops meeting in the Legislative Report.

There were no public comments for this section of the agenda.

Approve the minutes from the February 8 and 9, 2021 Board Meeting (Time – 11:01)

A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the minutes from the February 8 and 9, 2021 Board meeting as written. The motion carried. Ms. Hodge noted that the May 2021 Board meeting was cancelled due to lack of a quorum of Board members, and that this would be reflected in the minutes.

Receive Reports and/or requests from the Board Director/Manager (Time – 11:40)

Discuss Legislation (Time – 12:00)

Ms. Elizabeth Foy, Legislative Liaison with the Office of Legislative Affairs of the Department of Health, provided general summaries of some legislation that passed in the 2021 legislative session that affects the Board. Ms. Foy stated that since these are general summaries of legislation, for more detailed information and all specifics/requirements, the Board can review the links to each public chapter included in the materials provided to them. She stated that she would attempt to answer any questions the Board may have, but questions specific to the Board should be directed to the Board's attorney.

Public Chapter 37

This act prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members.

This act took effect March 23, 2021.

Public Chapter 242

This act authorizes records custodians to petition a court for injunctive relief from individuals making frequent public records requests with the intent of disrupting government operations, following a fifth (5th) public records request. A records custodian can only petition a court if they notify the person in writing stating the specific conduct may constitute intent to disrupt government operations, and that the person continues to do so. The individual upon a court enjoinder would not be able to make public requests at the agency for up to one (1) year.

This chapter took effect April 28th, 2021 and will sunset July 1, 2025.

Public Chapter 291

This act requires the attorney general and reporter to not approve an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule.

This act took effect July 1, 2021.

Public Chapter 328

This act requires that starting December 1, 2023, state agencies submit a report of their effective rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the department's operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the dates the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment. Lastly, if there are any intentionally false statements in the report, the government operations committee would have the ability to vote to request the general assembly to remove a rule or suspend the department's rulemaking authority for any reasonable period of time.

This act took effect July 1, 2021.

Public Chapter 453

This act requires public or private entities or businesses that operate a building open to the general public to post signage regarding public restroom access in certain situations. Specifically, this applies to entities or businesses that have restroom policies allowing either biological sex to use any public restroom within their building. The act includes requirements for language, size, location, and even color for the signage. The act excludes unisex, single occupant restrooms or family restrooms intended for use by either sex.

This act was scheduled to take effect July 1, 2021 but had currently been enjoined.

Public Chapter 531

This act limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are non-substantive modifications to existing rules (like clerical updates), rules that repeal existing rule, or rules that eliminate or reduce a fee described by an existing rule.

This act took effect July 1, 2021.

Public Chapter 532

This act authorizes the joint government operations committee to stay an agency's rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee, but subsequent stays must be by agreement by the committees of both chambers. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay.

This act took effect May 25, 2021.

In response to questions from the Board, Ms. Foy stated that the Board itself, the Board's administrative office, and the Board's attorney's office can all expect to be involved in the work to satisfy the requirements of Public Chapter 328.

Administrator/Director's Report (Time – 20:10)

This is an Administrative Report from Kimberly Hodge, Board Director. The information contained in this report will keep the Board aware of all essential activity pertaining to licensure for Massage Therapists and Massage Establishments.

STATISTICAL REPORT

As of May 10, 2021, there were 4,439 licensed massage therapists and 1,616 licensed massage establishments.

Following is the license status since the last meeting:

THERAPISTS	ESTABLISHMENTS
February 2021	February 2021
Newly Licensed – 33	Newly Licensed – 17
Reinstate Applications – 6	Reactivation Applications – 6
Retired- 5	Retired – 9
New Applications- 23	New Applications- 16
	Address / Responsible Person Change Application - 2
THERAPISTS	ESTABLISHMENTS
March 2021	March 2021
Newly Licensed – 28	Newly Licensed – 28
Reinstate Applications – 16	Reactivation Applications – 8
Retired- 14	Retired – 5
New Applications- 44	New Applications- 23
	Address / Responsible Person Change Application - 3
THERAPISTS	ESTABLISHMENTS
April 2021	April 2021
Newly Licensed – 35	Newly Licensed – 25
Reinstate Applications – 9	Reactivation Applications – 7
Retired- 10	Retired – 3
New Applications- 39	New Applications - 19
	Address / Responsible Person Change Application - 7

INTERNET

The Board’s internet website is an excellent location to place valuable board information for licensees and applicants. Please visit the Board’s website at <https://www.tn.gov/health/health-program-areas/health-professional-boards/ml-board.html> and let us know if you have anything you would like to add under the noteworthy section. In the months of February, March, and April, 330 licensees renewed their licenses via the website for a usage rate of 74%.

In response to questions from the Board, Ms. Hodge stated that according to this quarter’s report, about 80 percent of licensees do renew their licenses, as opposed to those who allow their licenses to lapse or choose to retire their licenses. Ms. Hodge also stated that as of July 23, 2021, massage establishment licenses can be renewed online. However, the online system will not allow for some things to be changed for a massage establishment license online, such as the name, address, change of responsible person, and change of ownership. Ms. Hodge stated that all of those changes would require the establishment license owner to contact the administrative office directly for instructions. Ms. Hodge also noted that in order to renew their massage establishment license online, any massage establishment owners who are themselves licensed massage therapists will be required to upload proof of completion of the 2-hour Tennessee massage law continuing education class completed during the current cycle. Ms. Hodge stated that this is due to the limitations of the online renewal system. Ms. Hodge noted that

the paper renewals for massage establishment licenses submitted by mail or in person at the office continue to not require that proof. Ms. Hodge asked that all Tennessee massage law class providers make their students aware of this requirement going forward.

In response to questions from the Board, Ms. Hodge stated that online reinstatements for massage therapist licenses is in the works, but that it is a long process. Ms. Hodge stated that after that is achieved, the next priority would be getting online reactivations for massage establishment licenses up and running. Ms. Hodge stated that online initial applications for massage therapists and massage establishments are at least a year and a half away from being discussed.

In response to questions from the Board, Ms. Hodge stated that paper renewal applications will only be mailed out to those massage therapists and massage establishments that have not indicated that they wish to be contacted electronically. Those who have indicated that they wish to be contacted by email will only receive an email with a renewal reminder and a link to the online renewal system. Ms. Hodge recommended that those who elect to receive emailed renewal reminders make sure to check their junk and spam folders for that email. Ms. Hodge stated that the online renewals for massage establishments and massage therapists should be open for renewal sixty-five to ninety days before the expiration date of the license. Dr. Bolden pointed out that if the renewal emails are going into junk or spam folders, the recipient may wish to “okay” all tn.gov communications, to allow them to come directly to the inbox.

In public comments on this section, Mr. Steve Sommers, LMT, asked whether paper applications can be sent out from the administrative office upon request of the licensees. Ms. Hodge stated that the administrative office staff will be happy to email or mail out a generic renewal form for either massage therapists or massage establishments, upon a phone or email request. Mr. Sommers also asked whether there is any plan to eliminate paper renewal applications, and therefore require licensees to renew online only. Ms. Hodge stated that there is no plan to eliminate paper applications, due to many licensees not having reliable access to the internet.

Ms. Noranda French stated that getting massage establishment license renewals online was not an easy process, and required Ms. Hodge working tirelessly over the last ten months with the Board’s technical support system to anticipate as many issues as possible, and to provide workarounds for those situations. Ms. French stated that for those with easy renewals, they should go through smoothly, but for more difficult renewals, they may still need the assistance of the administrative office. Ms. French stated that she and Ms. Hodge had been working on the online reinstatements for the massage therapists for over three months, and that she did not anticipate them being available before the end of this calendar year. Ms. French commended Ms. Hodge’s past and continuing efforts to bring these applications online.

In response to questions from the Board, Ms. Noranda confirmed that the massage establishment renewals do require multiple attachments to upload all the items required to renew the massage establishment licenses online, due to the limitations of the online system.

The Board thanked Ms. Hodge for all her work in getting massage establishment renewals online.

Investigation/Disciplinary Reports (Time – 35:08)

Ms. Lori Leonard of the Disciplinary Coordinator’s Office brought this report. Ms. Leonard stated that from January to July of 2021, the Office of Investigations received 25 new complaints for massage therapists. Of those complaints, 5 were for sexual misconduct, 1 for criminal charges, 4 for unlicensed practice, 6 for unprofessional conduct, 1 for lapsed license, and 8 for continuing education violations. During this time, Investigations closed a

total of 13 complaints for massage therapists. Of those complaints, 3 were closed due to insufficient evidence to formally discipline, 6 sent to OGC for formal discipline, 1 with a letter of concern, 3 with a letter of warning. As of July 2021, Investigations had a total of 62 open complaints for massage therapists.

Ms. Leonard stated that between January and July of 2021, Investigations received 20 new complaints for massage establishments. Of those new complaints, 6 were for sexual misconduct, 1 for criminal charges, 4 for unlicensed practice, 8 for unprofessional conduct, and 1 for lapsed license. During this time, Investigations closed 8 complaints for massage establishments. Of those closed complaints, 1 was closed due to insufficient evidence, 2 were sent to OGC for formal discipline, 2 closed with no action, and 3 with a letter of warning. Ms. Leonard reminded the Board that letters of concern and warning are not considered formal discipline. As of July 2021, Investigations had a total of 39 open complaints for massage establishments.

In response to questions from the Board, Mr. Guilford said that he did not have the numbers to respond specifically to any trends in the type of complaints, but that there did seem to be an increase in complaints about unlicensed practice of massage in establishments. Mr. Guilford stated that almost all of those complaints are fully investigated. Mr. Guilford also stated that he had the impression that his office was seeing an increase in sexual misconduct allegations against massage therapists. He said that the overall number is still low, but that clients seemed to be more aware of the recourse they had to report massage therapists to the Board. He said there also seems to be an increase of complaints about massage establishments operating without licenses or on lapsed licenses, and massage therapists practicing without a license or on a lapsed license. Numbers for massage therapists coming through OGC for continuing education violations seem to be going down.

Ms. Leonard stated that the Disciplinary Coordinator's Office was currently monitoring a total of 133 massage therapists under discipline, and a total of 29 massage establishments. Ms. Leonard also stated that if the monitored therapists or establishments were found to be in violation of the requirements of the Board ordered discipline on their licenses, the Disciplinary Coordinator's Office would refer them to the Attorney General's Office for further action.

Financial Report

There was no financial report at this meeting.

Continuing Education Audit Report (Time – 45:12)

This report was brought by Ms. Kimberly Hodge. Ms. Hodge stated that for the continuing education audit period of January 2020 thru June 2020, 89 massage therapists were audited for continuing education. Of those audited, 63 (71 percent) were compliant, and 26 (29 percent) were non-compliant. Of those who were non-compliant, 16 were deficient in the required number of continuing education hours, and 10 licensees failed to contact the compliance unit after receiving "Second Notice of Audit Letter" via certified mail. Ms. Hodge stated that any licensees who didn't sign citation agreements were sent to the OGC for further discipline.

The Board and the public had no questions or comments for Ms. Hodge about this agenda item.

Tennessee Professional Assistance Program (TnPAP) Statistical Report regarding the Peer Assistance Program (Time – 47:04)

Ms. Teresa Phillips, Executive Director of TnPAP, brought this report. From July 1, 2020–June 30, 2021, TnPAP was monitoring a total of 2 massage therapists, and no massage establishment owners. Of the massage therapists being monitored, one was under Board-ordered monitoring, and one was not. During this time, TnPAP received

a total of 4 referrals for massage therapists, and none for massage establishment owners. All 4 referrals were received through the Board administrative office. Of those referred, 3 were for arrest history and 1 was for mental health concerns. During this time, TnPAP entered into no agreements with either massage therapists or massage establishment license owners. During this time, TnPAP discharged a total of six massage therapists, and no massage establishment owners. Of those discharged, 2 were due to their agreement being completed, 2 declined evaluation, and 2 were evaluated with no monitoring recommended.

The Board and the public had no questions or comments for Ms. Phillips.

Ratify Agreed Citations for Continuing Education Violations and Lapsed Licenses (Time – 48:05)

Holly Rebecca Bear, LMT #6140

Ms. Bear agreed to pay civil penalties totaling \$200.00 for failing to obtain two (2) hours of continuing education for the cycle of 2017/2018.

Jazity Cane'Shae Davis, LMT #9361

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

Zak Goodman-Strauss, LMT #11677

Mr. Goodman-Strauss agreed to pay civil penalties totaling \$325.00 for failing to obtain seven (7) hours of continuing education for the cycle of 2017/2018.

Lina Hall, LMT #10896

Ms. Hall agreed to pay civil penalties totaling \$750.00 for failing to obtain twenty-four (24) hours of continuing education for the cycle of 2017/2018.

Dru Katherine Ciesinski Herring, LMT #11371

Ms. Ciesinski Herring agreed to pay civil penalties totaling \$600.00 for failing to obtain eighteen (18) hours of continuing education for the cycle of 2017/2018.

Tanya Renee Johnson, LMT #11988

Ms. Johnson agreed to pay civil penalties totaling \$500.00 for failing to obtain fourteen (14) hours of continuing education for the cycle of 2017/2018.

Penny Krisps, LMT #3263

Ms. Krisps agreed to pay civil penalties totaling \$275.00 for failing to obtain five (5) hours of continuing education for the cycle of 2017/2018.

Gabriel Edward Mederos, LMT #10179

Mr. Mederos agreed to pay civil penalties totaling \$775.00 for failing to obtain twenty-five (25) hours of continuing education for the cycle of 2015/2016.

Kimberly Hoppers Smith, LMT #7288

Ms. Smith agreed to pay civil penalties totaling \$450.00 for failing to obtain twelve (12) hours of continuing education for the cycle of 2017/2018.

Anna Cathryn Waller-Ely, LMT #10618

Ms. Waller-Ely agreed to pay civil penalties totaling \$250.00 for failing to obtain four (4) hours of continuing education for the cycle of 2017/2018.

Jessica Lynn Williams, LMT #9215

Ms. Williams agreed to pay civil penalties totaling \$200.00 for failing to obtain two (2) hours of continuing education for the cycle of 2017/2018.

Dixie Elizabeth Blackstock, LMT #7346

Ms. Blackstock agreed to pay civil penalties totaling \$100.00 for practicing massage on a lapsed license for four (4) months.

Lynda Gayle Deacon, LMT #9625

Ms. Deacon agreed to pay civil penalties totaling \$850.00 for practicing massage on a lapsed license for ten (10) months.

Cledis Dean Hamilton, LMT #6790

Mr. Hamilton agreed to pay civil penalties totaling \$400.00 for practicing massage on a lapsed license for seven (7) months.

David Cody Lee Ogle, LMT #12062

Mr. Ogle agreed to pay civil penalties totaling \$100.00 for practicing massage on a lapsed license for four (4) months.

Melanie Joye Pherson, LMT #9029

Ms. Pherson agreed to pay civil penalties totaling \$200.00 for practicing massage on a lapsed license for five (5) months.

Skyler Davis Slaton, LMT #11009

Ms. Slaton agreed to pay civil penalties totaling \$300.00 for practicing massage on a lapsed license for six (6) months.

Tracy Gail Wilson, LMT #885

Ms. Wilson agreed to pay civil penalties totaling \$200.00 for practicing massage on a lapsed license for four (4) months.

A Glimmer of Hope, ME #4120

Ms. Lori Williams agreed to pay civil penalties totaling \$200.00 for operating a massage establishment on a lapsed license for five (5) months.

Johnson City Massage, ME #5023

Mr. Sabastian Myers agreed to pay civil penalties totaling \$700.00 for operating a massage establishment on a lapsed license for ten (10) months.

Natural Body Riverview, ME #4988

Ms. Cici Coffee agreed to pay civil penalties totaling \$1,350.00 for operating a massage establishment on a lapsed license for twelve (12) months.

Tennessee Fitness Spa, ME #2578

Ms. Nancy Shaw agreed to pay civil penalties totaling \$1,350.00 for operating a massage establishment on a lapsed license for twelve (12) months.

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to ratify the Agreed Citations for continuing education violations and lapsed licenses. The motion carried.

Ratifications (Time – 50:05)

New Licenses

Massage Therapists

. Juliaa	Lane Jeremy Wayne
Agan Brianna Michelle	Lee Amanda Lai Yin
Albright Angel Lynn	Lee Candyce Renee
Alton Lauren Michelle	Lee Tiffany Lynn
Appleton Braden Leigh	Leftwich Jonathan Michael
Atkins Naomi Katherine	Lewis Raven Nicole
Baird Megan Perry	Li Fei
Barnett Abbigail Grace	Lockwood Lynda Jo
Beamon Robert Nathan	Logan Sydney Rebecca
Beard Jeremiah Abram	Loo Melinda A
Bendall Genevieve Brittany	Lord Kyra Rae
Blankenship Ansley Jae'Carol	Macias Rojas Mariela
Bledsoe Abbey Michelle	Martin William Blake
Boggs Therica Tameica	Mazurek Jamie Brianne
Bratu Margareta	Mccoig Emily Paige
Breeden-Brooks Veronica Sue	Mccrary Megan Faith
Burch Kimberly Small	Mcgowen Joshua D
Cai Xiaojie	Mcintosh Austin Ellis
Calderon Andres Antonio	Mclaughlin Diana Regina
Capps Audrea Lynn	Mercer Marastella Alane
Carter Anna Grace	Miller Alexandra Williams
Chitwood Andrew Nathanael	Moczydlowski Denise
Church Kayla Ann	Neal Savannah Faith
Clement Emily Ann	Nelson Shannon Michelle

Collier Todd J	Newbold Katie Danielle
Conklin Caleb Dalton	Nobles Sydney Nicolle
Corriveau Nicolas Ryan	O'Brien Anita
Crawford Christine Elizabeth	Odem Lacoyna Tanae
Cunningham Megan Nicole	Oliver Lauren L
Curvin Tara Marie	Pecor Ashley Brianne
D'Aquila Ashley Nicole	Pelton Victoria Rose
D'Lppolito Monica	Pendergrass Abigail Hudson
Daniel Kathryn Lynn	Perkins Lena May
Davis Heather Renea	Phillips April Nicole
Davis Johanan Daniel Church	Phipps Elizabeth Ann
Dawkins Bryan Lee	Pigeon Luke Daniel
Decker-Mosley Mary E	Pillus Jill Marie
Douglas Elizabeth Anne	Pound Jessica Oliveira
Dugger Avery Lenore	Prodoehl Shellie R
Dukes Paula Denise	Pryor Robert Lee
Elrod Michah Michelle	Puckett Jennifer Rebecca
Emms Anastasia Kristine	Ramsey Cherie Andrea
Fairchild Sierra Cheyanne	Roberts Ariel Bailey
Fitzgerald Laurie	Roberts Tammy Ross
Freifeld Dorothyann	Robinson David Ray
Fulmer Adeline K	Robinson Jennie Rebekah
Galindo Enrique Daniel	Roe Ashley Joanna
Glenn-Taylor Heather Leann	Salomon Katherine Ann
Gomez Rodriguez Luzmaria D.L.L	Samboruk Elizabeth Ann
Gourley Abbay Elizabeth	Sanchez Jefte Levi
Grant Ronald	Santos Benjamin Hernan
Green Michael Adam	Seaton Alison M.
Hale Katelyn Frances	Sharp Amanda Machel
Hall Kelsy Lee	Sharpe Harley Monroe
Hancock Cassandra Kay	Shi Hongpeng
Hankins Crystal Denise	Sieber Michael Robert
Hardin Shenita D	Simpson Darbie Christine
Harris Jessica Marie	Smith Brittany Bernice
Healy Natalie Marie	Smith Carey St. George
Heiden Erica Lindsay	Somner Gina Michele
Hendricks Lora L	Sosna Scott Norman
Hill Katherine Carolyn	St. Onge Annette Maryanne
Hirsch Kristen Rene	Stanton Robin
Hoffman Kelly Marie	Stendel Laura Ann
Hoffman Nathanael	Strickland Chelsea Leigh
Hopper Laurel Pendieton	Sullivan David Nathaniel

Howard Rebekah Lynn	Taylor Sandy Lynn
Huff Jared Lee	Toombs Kamryn Lynn
Human Savannah Bonaire	Urborg Tyler Reid
Hunter Stephanie Anne	Vandergriff David Justin
Ireland Danielle Michol	Walker Kacie Eileen
Jacobs Brittney Nicole	Wang Ying
James Tiffany Michelle	Welch Thydarius Jamal
Januseski Gena Marie	Whittier Cornilles Wendi Dru
Johnson Bella Noel	Wiley Joshua Eugene
Johnson Jack Henry Verdon	Williams Eric Van
Johnson Ryan Patrick	Williams Megan Lynn
Jones Brandon Jermaine	Williams Rondell Fablan Jr.
Jones Brianna Cmone	Williamson Lauren Elizabeth
Kane Adam Lobb	Wray Katherine Elizabeth
Kavanaugh Shelby Annette	Wyks Shelby Katherine
Keen Cody A	Wyman Kimberly M
Kirwan Kayci Marie	Yang Tunhu
Kosse Mikayla Rose	Ye Maolin
Krein Alijah Lee	Zanotto Lauren Alyssa
Kutsko Isaac John	Zimmerman Sarah Marie
Lala Amanda Gabrielle	Zmich Jenny Brice
Lamberson Jordan Nicole	Zollinger Jessica Keary

Massage Establishments

Soothing Hands Therapeutic Massage	Mackenzie Shea Massage Therapy
Acu Chatt	Magnolia Waters Tcm
Adrienne Kelley Lmt	Manhardt Massage
Alpha Male Grooming And Massage	Massage Design And Innovation
Altered Energy	Massage Therapy By Bella Noel
Amethyst Massage	Massage Vitality
Back Into Balance	Meraki / Healing Massage And Bodywork
Beth Moore Massage Therapy	Merle Norman Cosmetics & Spa
Body Language Therapeutic Massage	Nail Street Junction
Bombshells Hair Salon & Spa	Natural Kneads Wellness And Massage
Caring Touch Massage Shoppes	Nicole Seals Dba Healing Hands
Chapel Hill Fitness	Nova Vita Salon And Spa
Christy Crawford Lmt	Palms Restorative Spa
Clarksville Massage Company Llc	Pamper Mi Ladies And Gents Day Spa
Classic Cuts Spa	Parlor 934
Craniosacral Nashville	Poems (Peace On Earth Massage & Spa)
Dabao Holiday Inc Dba Luna Massage	Reflections Hair Salon Llc
Db Massage Therapy	Relaxation Station Therapeutic Massage

Deep Kneaded Healing	Restorative Bodywork By Shannon
Deep Tissue Specialties	Revive Massage
Dream Massage Therapeutics	Revive You Massage Therapy
Dream Massage Therapeutics	Salon Elite
E.B. Skin	Salt Boxx Inc
Eleon Medical Aesthetics	Sarah Marie Integrative Healing
Elysium	Serenity Spa
Equipoise Massage Works	Sheri'S Massage
Feel The Kneads Massage	Sherrell'S Soothing Hands
Fox Den Country Club	Siskin Hospital For Physical Rehabilitation
Georgia Career Institute	Spa Blu
Golden Flower Therapeutic Massage	Stonehouse Day Spa
Grace Spa & Massage Llc	Studio Sharp Salon & Spa
Have Faith Massage Llc	Styles On Broadway
Ignite Massage Therapy	Superior Performance
Jackson Massage And Day Spa	Taylor'd Touch Massage Llc
Jade Sanctuary	Tennessee Medical Massage Pllc
Jasa Therapeutic Massage	The Healing Pod
Just Breathe Massage Therapy	The Healing Realm
Katherine Itz	The Modern Massage
Kathy Vinson Lmt	The Plateau Massage
Kelia Culley Massage Therapy	Therapeutic Oasis Body & Face Llc
Kelly Haire Bodywork	Therapy 4 Life
Kendall Wells Lmt	Thinking Of You Wellness
Kristie Mason Massage	Tn Wellness Studio
La Reflexology	Touch Of Tranquility
Lefties Right Touch Massage	Tracie'S Therapeutic Massage & Reflexology
Leslie Davis Massage	
Loire Skincare & Massage Studio	Wild Fern Wellness Studio
Lotus Therapy	Wild Luna Massage
Louella A Colwell Lmt	Yoga Mat Llc DbA: Sanctuary On Main
Love It	Zerenity Day Spa Llc

Reinstatements

Massage Therapists

Bradshaw Pope Chondra Latrice	Jackson Kimberly Denise
Absalom Heather Lea	Jarrett Jason Michael
Anderson Cynthia Ann	Jauregui Jacinda Adelita
Appalsammy Kaitlyn Joy	Lee Rodrickus Darnell
Artison Darryl Keith	Liss Angela Susan
Ayers Kelsey Jo	Lykes Brandi Mashea
Banakas Terrah Fay	Mckinnon Alena Cecil

Best Kalika Anna Dean	Moore Skye Lynnell
Blackstock Dixie Elizabeth	Ogle David Cody Lee
Bosquez Kirstan Shallah	Orr Hanz Kristopher
Caglio Paolo A.	Penny Richard D. JR.
Carstens Lisa Marie	Pherson Melanie Joye
Cerra Molly Jane	Quinn Deanna Nanette
Clontz Erica Andrea	Reaves Elizabeth Curl
Croft Kellye Joann	Rigsby Cassandra Lenal
Currie Latoria Quiana	Schenkenfelder Rayleana Marie
Davis Jazity Cane'Snae	Seals Nicole Leshea
Davis Leslie Anne	Slaton Skyler Davis
Deacon Lynda Gayle	Sprinkle Karina Mae
Dean Lauren Mallory	Stacey Misty Lynn
Dennison Rebecca A.	Stubblefield Terry Elizabeth
Ferguson Katrina Lynn	Sutton Megan Leigh
Floyd Addie Kathryn	Thomas Kimberly Deanne
Fuller Telina Sheree	Tometich John Joseph
Hamilton Cledis Dean	Vincent Rebecca Jane
Harris Laquitta Shanelle	Welzel Jennifer D'Anne
Harvard Jennifer	Williams Ashley M.
Hill Carlos Ladre'	Williams Jean Ann
Hortman Gina Renee	Wilson Tracy Gail
	Winget Cara Nicole

Massage Establishments

21c Management Llc Dba 21c Museum Hotel Nashville	Head To Toe Inc
A Glimmer Of Hope Myofascial Release	Health Restoration Massage
Aqua Footcare Massage	Hippy Fit- Massage And Wellness
Asian Edgell Massage Therapy	Holistic Choices
Benjamin Crabtree Lmt	Horizons Bodywork
Bethann Easterly Lmt	Johnson City Massage
Beverly Bain Massage Therapy	Kristy'S Therapeutic Massage And Bodywork
C.A.S. Massage	Lavette Scalf Lmt
Carmen'S Day Spa & Wellness	Massage By The Lake
Cynthia Anderson	Massage Envy
Emily Rushlow Lmt	Music City Healing Massage
Epic Massage	Natural Body Riverview
Golden Therapeutic Massage	Of The Earth Massage Pllc
Good Witch Massage And Wellness	Restorative Massage Therapy
Great Massage	Restoring Movement Therapeutic Massage
Hands That Relax The Body	Salon Soleil

Sherrie Preston Lmt	The Spa
Styles On Broadway	Therapeutic Touch Massage
Tender Touch Therapies	Total Body Alive
Tennessee Fitness Spa	Trinity Natural Healing

A motion was made by Dr. Bolden, seconded by Mr. Mullins, to ratify the new licenses and reinstatement that had been approved by the administrative office. The motion carried.

Review, ratify, discuss, and approve or deny continuing education courses (Time – 50:30)

Cathy Singleton – Sacred Touch Introduction to Basic Energy Healing (Board Review)

Mr. Mullins stated that he was concerned that Ms. Singleton is not a licensed massage therapist and was teaching this class where she was putting hands on the client in the practice of Reiki, effecting a biometric change in the soft tissue. Dr. Bolden referred to the Board’s Policy on Reiki and Energy Work. Mr. Guilford spoke about state law regarding touch of the body and manipulating soft tissue. After some discussion, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to require Ms. Singleton to re-submit her course curriculum with an indication that she would not be touching the body or manipulating soft tissue while teaching the course. After hearing from Mr. Guilford on the legal definition of massage, and much discussion, Dr. Bolden modified his motion to require Ms. Hodge to approve Ms. Singleton’s course curriculum upon receiving written confirmation from Ms. Singleton that she understands and will follow the Board’s Policy on Reiki and Energy Work. This modified motion was seconded by Mr. Mullins. The motion carried.

William E. Mullins, III, LMT – Tennessee Massage Law for Licensure Renewal

William E. Mullins, III, LMT – Massage Therapy Ethics

Paula Anderson – Financial Management

Renee R. Johnson, LMT – Tennessee Law and Regulations

G. Dalton Reeves, LMT – Tennessee Massage Law

Scott L. Ingell, LMT – Tennessee Massage Law

Wanda Sharber-Miolen – Tennessee Law/Rules

Mr. Mullins recused himself from the vote on the ratification of the administratively approved continuing education courses. A motion was made by Dr. Bolden, seconded by Mr. Velker, to ratify all of the administratively approved continuing education courses. The motion carried.

Mr. Steve Sommers, LMT, spoke to the Board about the difference between “touch” and “soft tissue manipulation”, as interpreted by different state massage licensure boards. The Board thanked him for his comments.

Review Board correspondence (Time – 01:09:14)

Elaine Hackerman, LMT – Seeking CE Course Approval and Communication

Ms. Kimberly Hodge spoke to the Board about Ms. Hackerman's two communications to the Board. Ms. Hackerman's first email asked that the Board approve a course Ms. Hackerman wished to take and have counted towards her CE requirements. The course was about behavioral therapy techniques, and was not Tennessee Massage Licensure Board, AMTA, FSMTB, or NCBTMB approved, as required by the Board's Rules. The provider had multiple CE courses that were NCBTMB approved, but this course was not. The provider had not sent in any request to the Board to have that course approved. Ms. Hackerman was asking that the Board not only approve this course, but all other courses the provider offered. Ms. Hodge was concerned that a CE course on behavioral therapy techniques did not fall under the Board's scope to approve. Ms. Hackerman also has not submitted all required documentation to properly process this request. After some discussion, a motion was made by Mr. Velker, seconded by Ms. Yarbrough, to require Ms. Hackerman to submit all required documentation to properly process her request, and to then defer Board review of her request to the following Board meeting. The motion carried.

Ms. Hackerman's second email to the Board asked for clarification about online CE courses, specifically, whether more than 8 hours will be allowed during the 2021/2022 CE cycle. Ms. Hodge reminded the Board that currently, per HRB policy, all CE hours could be completed online through December 31, 2021. Ms. Hodge also reminded the Board that this question was already on the agenda for the Board to hear later in the meeting, since massage therapists are on a two-year CE cycle.

In her second email, Ms. Hackerman states that the Tennessee Massage Licensure Board seemed to be "elitist" and did not effectively communicate its decisions to its licensees. Ms. Hackerman requests that the administrative staff send out emails to all licensees, massage therapists and massage establishment owners, announcing every addition and change made by the Board.

Ms. Hodge stated that the administrative office already posts the minutes of each Board meeting on the Board's public website after they are ratified by the Board, after every Board meeting. Ms. Hodge pointed out that every Board meeting is live-streamed, and recordings of each Board meeting are also posted to the Board's public website to allow the public to view every Board meeting in its entirety. Ms. Hodge reminded the Board that the administrative office also posts on the Board's public website a notice of each meeting on the 15th of the month before each Board meeting. This public meeting notice includes topics that will be addressed at the Board meeting. Ms. Hodge stated that all updates are posted to the public website in a timely manner by the administrative office. Ms. Hodge went over the requirement, followed by the administrative office, for public notice 60 days in advance of all rulemaking hearings, which are open to the public, live-streamed, and recorded for posting on the public website. Ms. Hodge noted the provision made for public comment on all rule changes during such public hearings. Mr. Guilford stated that any rule changes were required to be posted to the public website 90 days before going into effect, and that the administrative office usually posted them a bit before that time. Ms. Hodge stated that any changes in Board policy are posted to the public website within a week of the Board meeting that made the change. Ms. Hodge recommended that anyone wanting information about what happened at a Board meeting read the minutes from that meeting, or listen to the recording of the Board meeting, both of which are available on the Board's public website. Ms. Hodge also noted that the administrative office is always available during office hours to answer any questions by phone or by email.

Ms. Maj-Li Nash, LMT, of Mind Body Institute, LLC, stated that the Board office has done a great job of communication, and that local schools and professional associations also did a great job of keeping up with

changes in the profession, and disseminating information to licensees and massage school students. The Board thanked Ms. Nash for her comments.

Mr. Velker and Dr. Bolden responded to Ms. Hackerman's email by reiterating that the Board's public website is an efficient and up to date source of information about the Board, and that communication has always been a priority for the Board.

FSMTB Follow Up On MTLT (Time – 01:23:01)

Ms. Hodge presented a public comment from the FSMTB. The FSMTB was following up with the Board about the Board's participation in MTLT (Massage Therapy Licensing Database), the FSMTB's professional licensure database. Ms. Hodge stated that the current work towards a licensure compact centered around all compact states working with MTLT. Ms. Hodge reminded the Board that several years ago, the Board voted to participate in MTLT, but at this point, the FSMTB is following up to see where the Board is in that process.

Mr. Guilford stated that towards the end of 2019, his office had some conversations with the FSMTB about getting the Board onboarded with MTLT. The conversations were productive, but that there were concerns about a memorandum of understanding that needed to be executed so that both the FSMTB and the State of Tennessee were clear on who owed what to whom. Although no money would be changing hands, Mr. Guilford's office had some legal concerns about how some parts of the memorandum were written. Mr. Guilford's office was in the midst of working on these items, when the COVID 19 pandemic happened, and these efforts stalled. Mr. Guilford stated that he would get in touch with the FSMTB to get the agreement finalized soon.

Dr. Bolden spoke about the advantages of using the MTLT database to be more quickly and accurately aware on discipline happening in other states. Mr. Guilford agreed that this would be beneficial to the Board and to the profession, stating that the Board of Medical Examiners and the Board of Nursing each have similar licensure databases that have proven beneficial to them. Dr. Bolden mentioned that the Chiropractic Board also has such a database. In response to questions from the Board, Mr. Guilford stated that he hoped to have Board participation in MTLT ready to vote on soon. Ms. Vickers requested that Mr. Guilford provide a status update to the Board at the November 2021 Meeting.

Applicant Interviews (Time – 01:31:03)

Ms. Burke introduced Ms. Jiao Hoggard, the Board's Mandarin language interpreter present for this meeting, and thanked her for her service at the meeting. Ms. Hoggard stated that she had established that she could communicate with the applicants present at the meeting who needed her services. Ms. Burke reminded the Board to be mindful of allowing time for interpretation when needed for the applicants.

Valerie Tharpe Lowery, MT (Time – 01:32:31)

Ms. Lowery had applied for reinstatement of her expired massage therapist license and was present at this meeting. The Board's concerns included that Ms. Lowery's massage therapist license expired on July 31, 2020. According to advertisements and reviews, Ms. Lowery has been practicing massage on a lapsed license since July 31, 2020 at Cloud 9 Salon & Day Spa in Nashville, TN. Ms. Lowery is listed as the owner of the massage establishment license #4601 for Cloud 9 Salon & Day Spa, which has been expired on August 31, 2018. Ms. Lowery's application indicates that she is currently and has been practicing massage at Cloud 9 Salon & Day Spa since May 30, 2018. The Board heard from Ms. Lowery, who stated that there were no other massage therapists working at Cloud 9 Salon & Day Spa. She stated that the Cloud 9 Salon & Day Spa was not currently open, but

that she, as a licensed cosmetologist, was offering cosmetology services. She stated that she had not been practicing massage since the pandemic. The Board heard from Ms. Kim about online advertising and reviews that indicated Ms. Lowery had been practicing massage at Cloud 9 Salon & Day Spa while the establishment license was expired, and while her massage therapist license was expired. Ms. Lowery claimed the advertising reviews were posted by her marketing team as a means to generate business and were not true. Mr. Mullins pointed out that this was false advertising, which is against the Board's Rules. Ms. Hodge pointed out that Ms. Lowery had not listed her Tennessee cosmetologist license on her application. The Board also heard from Mr. Guilford and further from Ms. Hodge. After much discussion, a motion was made by Mr. Mullin, seconded by Mr. Velker, to approve a conditional license requiring Ms. Lowery to submit a completed application, verification of her cosmetology license directly from the Tennessee Cosmetology Board, and civil penalties totaling \$500.00 for practicing massage on a lapsed license for eight months. After further discussion, Mr. Mullins and Mr. Velker accepted a friendly amendment to their motion from Dr. Bolden, requiring that all parts of the conditional licensing agreement be met before a license could be issued to Ms. Lowery. The amended motion carried.

Massages On The Move- Timeeka Tardy, LMT (Time- 02:31:30)

Ms. Tardy is applying for an Establishment license at 75 New Shackle Rd., Suite 3, Hendersonville TN. Ms. Tardy is a Licensed Massage Therapist (LMT 13358) since May 2020 and has no previous discipline on her Therapist license. Online advertising on Facebook, Groupon, and Instagram show that the Establishment is currently open and offering massage services. The business website states that mobile massages are available for an additional fee. Facebook posts reflect specializing in couples' massages and a team of Therapist at the location, but Ms. Hardy is the only Therapist listed on the application. Facebook posts also show advertisements date back to February 2019 when the page was created. The business website was created in 2018 which was also prior to Ms. Tardy being licensed as a Massage Therapist in Tennessee. Ms. Tardy did admit that she had placed the advertisements online, but they were for outcalls. After much discussion by the Board members a motion was made by Mr. Mullins and seconded by Dr. Bolden to offer a conditional license for advertising services without a Massage Establishment license from January 2021 to May 2021. Ms. Tardy would be required to pay civil penalties totaling (\$1,500) within 6 months of the effective date of order. A roll call vote was held by Mrs. Burke and the motion carried.

Rainbow Spa, LLC- Hui Dong Tian, LMT (Time- 03:24:06)

Ms. Tian is a Licensed Massage Therapist (#11589) that is applying for Establishment license of Rainbow Spa LLC at 2400 Madison St, Ste 9, Clarksville TN. There is no discipline on her therapist license. The current Establishment license at this address is held by Ms. Shujuan Wang and was granted after coming before the Massage Board in August 2020. Ms. Tian is listed as a therapist under the current Establishment license. Ms. Tian previously applied with Ms. Chunhua Dickey at this address under the name "Spa Yang Sheng Tang" and was denied after being brought before the Board for advertising and operating without an Establishment license in May 2019. During the meeting Ms. Tian denied working as a licensed therapist at the unlicensed establishment, but evidence was introduced that showed Ms. Tian was offering massage. Ms. Dickey then applied again for the establishment license in August 2019 and listed Ms. Tian as an employee instead of an owner. The Board denied the license again. In interview by Mr. Guilford, Ms. Tian stated that she was applying again for the license because the current owner is planning to return to China, and that keeping the establishment has become too much for her. She stated that she was not working in the establishment in early 2019, when the previous application was denied. A motion was made by Mr. Mullins to deny the application based on fraudulent applications and previous application denials. The motion was seconded by Mrs. Yarbrough and a roll call vote passed the motion.

Fuying Kou -Deferred to November Meeting per Applicant Request

Suxin Zhang (Time – 03:50:10)

Ms. Zhang had applied for a massage therapist license, and was present at this meeting, along with her lawyer, Mr. Marty Cooper. The Board's concerns included that all but 55 hours of Ms. Zhang's massage education at Phoenix International School of Massage in Houston, Texas were completed virtually (distance learning). The Board's current Policy on Distance Learning states, in part: "Board rules require that massage programs consist of at least five hundred "classroom hours." Due in part to restrictions related to the ongoing COVID-19 pandemic, for instruction taking place March 15, 2020 or later, the Massage Licensure Board will consider up to 40% of the total contact hours in a Tennessee Massage School's total curriculum that are offered in an online or distance learning format to be "classroom hours," with the limitation that hands-on and clinical coursework should not be offered in an online or distance learning format. Coursework that should not be offered via distance learning includes and is not limited to subjects such as massage technique, massage clinic, kinesiology, and palpation; however, portions of such courses that are purely "theory" may be completed via distance/online learning." The Board heard from Ms. Zhang, Mr. Guilford, Mr. Cooper, and Ms. Hodge. After much discussion, a motion was made by Dr. Bolden, seconded by Mr. Velker, to allow Ms. Zhang to withdraw her application. The motion carried.

Xiuhong Hu (Time – 04:25:15)

Ms. Hu had applied for a massage therapist license and was present at this meeting. The Board's concerns included Ms. Hu completed her massage education at Angeles College in City of Industry, CA. This school is not on the approved list, or any other list, for the CAMTC. Also, Ms. Hu did not report on her application that her application for a massage therapist license in Utah had been denied due to her school being unapproved. Ms. Hu has requested that the Board consider her application in spite of the school not being approved. The Board heard from Ms. Hu. After some discussion, a motion was made by Mr. Mullins, seconded by Dr. Bolden, to deny Ms. Hu's application for licensure as a massage therapist. Mr. Mullins accepted a friendly amendment to his motion from Dr. Bolden, to refer Ms. Hu's MBLEx scores to the FSMTB for review, since she took the test before beginning her education at Angeles College. The amended motion carried.

Joanna Lee (Time – 04:39:45)

Ms. Lee had applied for a massage therapist license and was present at this meeting. The Board's concerns included that at Touch for Healing School of Reiki in Jasper, GA, Ms. Lee completed more than 40% of the massage education program online. Ms. Lee also took the MBLEx exam one and a half months before completing her massage educational program. The Board heard from Ms. Lee and Mr. Guilford. After some discussion, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to allow Ms. Lee to withdraw her application for a massage therapist license. The motion carried.

Cong Zhang (Time – 04:52:49)

Ms. Zhang had applied for a massage therapist license and was present at this meeting. The Board's concerns included that Ms. Zhang completed her massage education at American & European Massage Clinic, Inc. in Raleigh, NC. This school's approval has been revoked by the North Carolina Board of Massage and Bodywork Therapy due to violations of their Practice Act (see NC board order). The Board heard from Ms. Zhang, Mr. Guilford, and Ms. Hodge. Mr. Guilford and Ms. Hodge both spoke to the reasons the North Carolina Board revoked the school's approval, which focused on concerns about whether students had actually attended classes

at the school at all. In light of the reasons for the school's revocation, the Board asked Ms. Zhang questions to determine whether she actually attended and completed a massage education program. After much discussion, a motion was made by Mr. Mullins, seconded by Dr. Bolden, to deny Ms. Zhang's application for licensure as a massage therapist. In response to a question from Mr. Guilford, Dr. Bolden stated that the questions the Board asked Ms. Zhang were very basic, entry-level questions that anyone who had attended a massage education program should be able to answer before being permitted to practice on live people, yet Ms. Zhang was unable to answer them. Dr. Bolden stated that Ms. Zhang's demonstrated lack of basic massage knowledge called into question whether she would be safe to practice massage. In response to a question from Mr. Velker, Dr. Bolden amended his motion to include notification of the FSMTB that Ms. Zhang's passage of the MBLEx exam should be re-evaluated. Mr. Mullins agreed to second that amended motion. The motion carried.

Ying Chen (Time – 05:54:02)

Ms. Chen had applied for a massage therapist license and was willing to be present at this meeting by phone call. The Board's concerns included that Ms. Chen completed her massage education at American & European Massage Clinic, Inc. in Raleigh, NC. This school's approval has been revoked by the North Carolina Board of Massage and Bodywork Therapy due to violations of their Practice Act (see NC board order). A motion was made by Mr. Velker, seconded by Dr. Bolden, to defer this applicant to next Board meeting that the applicant can be physically present. The motion carried.

Public Comment

Steve Sommers, LMT, asked if it would be possible, when the Board has such concerns about applicants, to have a short, proctored exam instead of verbal questioning by the Board, to save time in the Board meeting. Dr. Bolden responded that this would present other challenges in creation and ongoing maintenance of a psychometric exam for that purpose. Mr. Guilford stated that reinstating the Application Review Committee might be a better way to get that additional information. Mr. Guilford reminded the Board to be consistent in their requirements of applicants to be physically present for this kind of application review.

Mindy Oldham, LMT, spoke to the Board about licensure by reciprocity. She asked that the Board consider using this kind of questioning for applicants who were educated and licensed in another state to determine whether they can be licensed in Tennessee. The Board heard from Ms. Hodge and Mr. Guilford and discussed the current requirements for educational requirements for licensure.

Receive report and/or requests from the Office of General Counsel (Time – 06:21:20)

This report was brought by Mr. Marc Guilford of the Office of General Counsel.

Consent Orders

YingYan Wu, Foot Massage Zendora – ME #3989

At the time of this meeting, YingYan Wu was an actively registered reflexologist certificate #270, and was the owner and responsible person for Foot Massage Zendora, active massage establishment license #3989, located at 639 President Place, Smyrna, TN 37167. On or about August 23, 2019, two unlicensed individuals, Yang Min and Zhang Ling, were observed practicing massage at Foot Massage Zendora. Both individuals admitted to practicing massage at Foot Massage Zendora. No licensed massage therapists were found working at Foot Massage Zendora on August 23, 2019 when the establishment was visited by a Department of Health investigator. The proposed order was to revoke the establishment license #3989 for Foot Massage Zendora; to assess civil

penalties totaling \$2,000.00; and to require the establishment to pay costs of the case, not to exceed \$3,000.00. A motion was made by Mr. Velker, seconded by Dr. Bolden, to approve the order as written. The motion carried.

Rainye Johnson, LMT #11176

Ms. Johnson failed to obtain 15 hours of continuing education in the 2015/2016 cycle. Ms. Johnson admitted this when she was audited for that cycle but had not done anything to come back into compliance with the Board's continuing education requirements. The proposed order was to suspend Ms. Johnson's massage therapist license until she submitted evidence of completing a total of 21 hour of continuing education; after that, Ms. Johnson's license would be placed on probation, to remain on probation until she has paid all civil penalties totaling \$525.00, and all costs of this case, not to exceed \$2,000.00. A motion was made by Mr. Velker, seconded by Dr. Bolden, to approve the order as written. The motion carried.

Kimberly Jones, LMT #11105

Ms. Jones submitted proof of only 8 hours of continuing education for the cycle of 2015/2016, including the 4 specialty hours. Ms. Jones also submitted proof of completing 27.5 hours of continuing education during 2019/2020, including the 4 specialty hours, and 24 hours during 2021/2022, including the 4 specialty hours. The proposed order was to place Ms. Jones' massage therapist license on probation until she submitted proof of completion of 14.5 hours of continuing education; paid civil penalties totaling \$450.00; and paid costs of this case, not to exceed \$1,000.00. A motion was made by Mr. Velker, seconded by Dr. Bolden, to approve the order as written. The motion carried.

Laura Wallace, LMT #11505

Ms. Wallace failed to obtain 4 hours of continuing education during the 2015/2016 cycle, including the 4 specialty hours. The proposed order was to suspend Ms. Wallace's massage therapist license unit she submitted proof of completion of 10 hours of continuing education, including the 4 specialty hours, after which her license would be placed on probation until Ms. Wallace paid civil penalties totaling \$500.00, and the costs of this case, not to exceed \$2,000.00. A motion was made by Ms. Yarbrough, seconded by Mr. Mullins, to approve the order as written. The motion carried.

Spencer Hargis, LMT #11712

At the time of this meeting, Mr. Hargis' massage therapist license was retired. On or about April 14, 2021, Mr. Hargis was convicted of sexual battery, a class E felony, in Williamson County, Tennessee, and sentenced to 2 years supervised probation. This proposed order was to change Mr. Hargis' license status to voluntarily surrendered, which is considered the same as revocation. Mr. Hargis would not be eligible to apply for a new massage therapist license, or to reinstate his surrendered license in the future. Dr. Bolden reused himself from this vote. A motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to approve the order as written.

Mr. Guilford stated that the Office of General Counsel currently had about 107 open cases to the Massage Licensure Board, roughly the same as in February 2021. Several cases would be resolved at this meeting by contested cases, and several more would be presented as settlement agreements. Mr. Guilford further stated that the rulemaking to increase fees is moving forward internally in OGC, and he expects to have a rulemaking hearing at the November 2021 meeting. The office was also moving forward with the reciprocity licensure rule revisions, but that would be a separate rulemaking. In 2022 is when Mr. Guilford estimated that the Board will hold the reciprocity rule hearing.

Mr. Guilford reminded the Board that the legislative liaison's office presented at this meeting a summary of new laws that might affect this board and its licensees.

The Board took a brief break. When they returned, a roll call was conducted by Ms. Hodge. A quorum was re-established.

Discuss and consider request for continuing education waivers

No requests for continuing education were presented at this meeting.

Discuss and take action on school approvals and/or program changes

No requests for school approvals and/or program changes were presented at this meeting.

Review, discuss, and take action if necessary, on the policy from Chiropractic Board regarding Public Chapter 357 (Time – 06:41:34)

The Board heard from Mr. Guilford about this policy established by the Tennessee Chiropractic Board. Mr. Guilford stated that he did not think the Board needed to take any action on this policy, since the Board's administrative office has been doing a good job directing our licensees to this policy. Ms. Hodge asked that the Board review the policy, and if they have no objections to it, permit the policy to be posted on the Board's public website for guidance, since it does affect massage establishments. The Board heard from Mr. Guilford, Ms. Hodge, and Ms. French.

Ms. Maj-Lis Nash, LMT, spoke to the Board about the confusion among massage therapists about this policy, and the confusion among her continuing education providers. After much discussion, a motion was made by Ms. Vickers, seconded by Dr. Bolden, that the policy be posted on the policy page of the Board's public website for information purposes to the public. Mindy Oldham, LMT, spoke to the Board, suggesting that a comment be added to the policy stating that all questions should be addressed to the Tennessee Chiropractic Board. The motion passed.

Review and discuss the Commissioner's February 1, 2021 policy number 21-1 regarding continuing education audit of in-person/live hours earned through December 2021 and discuss whether a policy regarding continuing education hours completed in 2022 is needed, and if needed, draft and adopt a policy (Time: 07:03:21)

The Board heard from Ms. Hodge about this policy. After a brief discussion, a motion was made by Mr. Velker, seconded by Dr. Bolden, to adopt a policy on continuing education for the 2021/2022 continuing education cycle that states that all hours completed during 2021 will be accepted, regardless of format; and that all hours completed in 2022 will go back to the regular requirements of only eight hours of online or other distance learning allowed to be completed during that year of the cycle. Ms. Hodge asked that Mr. Guilford come up with language to put up on the website regarding this policy. Mr. Guilford agreed to do so.

Steve Sommers, LMT, asked whether, with CE Broker storing CE hours for therapists, the administrative office will be doing a one hundred percent CE audit going forward. Ms. Hodge stated that unless the Board changes their policy, the administrative office will continue with a ten percent CE audit.

The motion carried.

Review, discuss, and take action if necessary, on a policy regarding the format for the two-hour Tennessee Law Class (Time -07:11:33)

The Board heard from Ms. Hodge that the administrative office had heard from several continuing education providers wanting to provide the two-hour Tennessee massage law class in a distance learning format, such as a video. Ms. Hodge stated that there was nothing in the Board's Rules or Policies that states that this was not permitted, even though the general consensus of the Board has always seemed to be that this class needed to be interactive, either by live webinar or in-classroom. Ms. Hodge asked that the Board consider making a policy on the required format of the Tennessee massage law class. Mr. Guilford stated that such a policy could be quickly and easily drafted. A motion was made by Dr. Bolden, seconded by Mr. Mullins, that the Board create a policy that the required two-hour Tennessee massage law class be taught only either in-classroom or in an interactive live webinar format. After some discussion, Dr. Bolden amended his motion to add, "but cannot be in a multi-media format".

Ms. Mindy Oldham stated that Dr. Bolden's motion was in agreement with the recommendations of the task force on the requirements for the Tennessee massage law class. After much more discussion, Dr. Bolden called the question. The motion carried.

Discuss and appoint a Delegate to attend the 2021 Federation of State Massage Boards Annual Meeting (Time – 07:23:50)

A motion was made by Mr. Velker, seconded by Mr. Mullins, to appoint Ms. Kimberly Hodge as the Board's Delegate to attend the 2021 Federation of State Massage Boards Annual Meeting. The motion carried.

Discuss and take action if needed regarding rulemaking hearings, rule amendments, and policies (Time – 07:25:00)

The Board took no action on these items at this meeting.

Receive Public Comments and receive future Board and Development Committee agenda items (07:25:46)

Ms. Maj-Lis Nash, LMT, told the Board that as of September 1, 2021, Ms. Nash will become the president of Tennessee Massage Therapy Association (TMTA), and will be assisting in the re-boot of that organization.

Steve Somers, LMT, stated that as a continuing education teacher, he supports the Board in keeping the two-hour Tennessee massage law class in-classroom or in interactive live webinar format.

Adjournment (Time – 07:30:30)

A motion was made by Dr. Bolden, seconded by Mr. Mullins, to adjourn the meeting. The motion carried, and the meeting was adjourned.

Minutes
Tennessee Massage Licensure Board
August 10, 2021

To watch or listen to this meeting online, please click on the link below:
<https://tdh.streamingvideo.tn.gov/Mediasite/Play/ffec953616e4c24adf0da1381bd290c1d>

Time: 9:00 a.m. Central Standard Time
Location: 665 Mainstream Drive
HRB Conference Center
1st Floor, Iris Room
Nashville, TN 37243

Members Present: Marvis Burke, LMT, Chairperson
Dee Vickers, LMT
Ed Bolden, LMT
Bill Mullins, LMT
Virginia P. Yarbrough, LMT
Michael Velker, Public Member

Staff Present: Kimberly Hodge, Board Manager
Noranda French, Unit 2 Director
Marc Guilford, Office of General Counsel

Administrative Judge Rachel Waterhouse proceeded over the following contested case hearing.

Contested Cases:

Yizhe Wang LMT 10834 (Time-

Ms. Yang was not present nor was any representative on behalf of Ms. Wang. A motion was made to proceed in default. Mr. Guilford presented proof of service of attempts made to make notice of today's hearing to Ms. Wang. Proof of services was accepted by the judge to proceed in default. A motion was made by Ed Bolden and seconded by Mrs. Yarbrough. The motion carried.

Mr. Guilford made opening statements listing the notice of charges. Ms. Wang falsified on her Renewal form for 2019 that she had completed her required hours. Testimony was heard by Kimberly Hodge that Ms. Wang did renew her license in May 2019 and signed and dated the Renewal Form attesting that she had completed her CE hours from the 2017-2018 CE cycle. Ms. Hodge went over the process of an audit. No response was received by Ms. Wang to correspondences sent to her by Ms. Hodge or the audit division. Ms. Wang did not submit any certificates for her 2017-2018 CE audit.

Mr. Guilford proposed that Ms. Wang be assessed civil penalties of \$1,500.000 plus cost not to exceed \$3,000.00. That the Massage Therapist license be suspended beginning the effective order date, and that Ms. Wang complete a total of 30 hours of continuing education to count toward the 2017-2018 cycle. The license may not be reinstated until these terms have been met.

Motion was made to adopt the findings of fact as proposed by Ed Bolden and seconded by Mrs. Yarbrough. A motion was made that the conclusions of law be adopted as proposed by Dr. Bolden and seconded by Mrs. Yarbrough, followed by a motion that the order be adopted as written by Dr. Bolden and seconded by Mrs. Yarbrough. Motion was made for the policy statement to be adopted as proposed by Mr. Bolden and seconded by Michael Velker. A roll call vote was held after each motion made and the motions passed.

Amanda Fox, LMT (Time- 01:05:55)

Mr. Guilford requested a deference to November 9, 2021 to allow the state to properly service the Respondent. The request was granted by Judge Waterhouse.

Agreed Orders:

Jingyu Wu- Jingyu Wu dba Foot Spa & Massage (Time- 01:08:10)

Mr. Jingyu Wu is a Massage Therapist (LMT 9937) and Owner of Massage Establishment (ME 4654). Mr. Wu's Massage Therapist license expired as of May 31, 2019. The Massage Establishment license is currently active and has an expiration date of November 30, 2022. In August 2018, Jin E Lin, who does not hold a Massage Therapist license was practicing massage therapy at Foot Spa and Massage. Mr. Wu states that he did not allow Ms. Lin to practice massage therapy, that she only occasionally came to visit and socialize with him and his staff and that they had conversations regarding Ms. Lin possibly purchasing the Establishment.

Mr. Wu has agreed to the following: TN massage therapist license # 9337 be immediately placed on probation for three (3) years, during which time he may not own, manage or be the responsible person for a Massage Establishment in Tennessee. Mr. Wu may reinstate his massage therapist license during the probation period. Jingyu Wu dba Foot Spa Massage's massage establishment license # 4654 is revoked effective January 1, 2022. No civil penalties or costs will be assessed to Mr. Wu. Motion was made by Mr. Bolden to approve the modified agreed Order and was seconded by Mr. Velker. A roll call vote was taken and the motion passed.

Alice Ma- LA Reflexology (Time-01:14:30)

LA Reflexology Massage Establishment license # 4836 is currently voluntarily retired and was owned by Alice Ma. Ms. Ma is not a licensed massage therapist in Tennessee. In December of 2018, at least three unlicensed persons were practicing massage therapy at LA Reflexology. Upon being interviewed by an Investigator, Ms. Ma admitted to knowing that the individuals were not licensed. Ms. Ma stated that it was too difficult and time consuming for one to obtain a massage therapist license in Tennessee. Ms. Ma has agreed to the following: LA Reflexology's massage establishment license # 4836 be revoked, civil penalties of (\$1,000.00) for each unlicensed person to total (\$3,000.00) plus cost not to exceed (\$2,000.00) paid within 12 months from date of order. A motion to approve the agreed Order as written was made by Dr. Bolden and seconded by Mrs. Yarbrough and was passed following a roll call vote.

Adjournment-(Time- 01:29:03):

A motion was made by Mr. Bolden to adjourn the meeting and seconded by Ms. Vickers. The motion passed.

Minutes
Tennessee Massage Licensure Board
August 11, 2021

To watch or listen to this meeting online, please click on the link below:

<https://web.nowuseeit.tn.gov/Mediasite/Catalog/Full/98fe21d561e9489487745f0c7da678b221>

Time: 9:00 a.m. Central Standard Time
Location: 665 Mainstream Drive
HRB Conference Center
1st Floor, Iris Room
Nashville, TN 37243

Members Present: Marvis Burke, LMT, Chairperson
Dee Vickers, LMT
Ed Bolden, LMT
Bill Mullins, LMT
Virginia P. Yarbrough, LMT
Michael Velker, Public Member

Staff Present: Kimberly Hodge, Board Manager
Noranda French, Unit 2 Director
Marc Guilford, Office of General Counsel

The meeting was called to order at 9:15 a.m. by Ms. Marvis Burke, Chairperson. Ms. Burke acknowledged and thanked the therapists, schools, students, and members of the public attending the meeting. Ms. Burke asked that any member of the public who wished to comment on any agenda item sign up on the sign-up sheet so that they can be called on at the appropriate time.

Ms. Burke stated that the reason the Board exists is to protect the health, welfare, and safety of the people of Tennessee. Ms. Kimberly Hodge conducted a roll call to establish a quorum. A quorum was established. Ms. Hodge then conducted a roll call of staff. All staff required to be present were in attendance.

Ms. Burke thanked the Mandarin and Thai interpreters who were present to interpret for the applicants needing that service.

Applicant Interviews – August 11, 2021

Zhenhua Su – Deferred to November Meeting

Massage Glory- Geenah Wilson LMT (Time- 04:40)

Ms. Geenah Wilson is applying for a Massage Establishment license for Massage Glory at 3173 S. Church St, Murfreesboro TN. Mrs. Wilson is a Licensed Massage Therapist (LMT 12738) and has no prior discipline. Ms. Wilson is the former co-owner of Marvelous Massage (ME 5252) at 3040 S. Church St, Murfreesboro TN, which she separated from at the time of applying for Massage Glory. Mrs. Wilson states in her application that the

Tennessee Massage Licensure Board Meeting

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Establishment is not opened prior to submission of the application, but online advertisements revealed that the business was open and operating prior to submitting the application and being licensed. Following invitation for a Board Interview, Mrs. Wilson inquired if she can work at Marvelous Massage again while awaiting licensure and was advised by the Board Administrator that she may do so under the Establishment license of Marvelous Massage, but that she may not operate as Massage Glory at the Establishment of Marvelous Massage. In interview with Mr. Guilford, Ms. Wilson stated that she was in an Establishment with her Mother-in-Law for approximately two years and parted to begin at her own location. She stated that she performed three to four massages at the location once she sent in the application. Mrs. Wilson was under the thought that the application had been processed because she had not heard a reply from the Board office within the expected time of processing. Mrs. Wilson wants to obtain her Establishment license with the intention of being able to use in the future. After some discussion, it was stated by Mrs. Hodge that Mrs. Wilson will not have to appear before the Board in the future if she inactivates the license and later reactivates in the future. A motion was made by Mr. Velker and seconded by Dr. Bolden to grant a conditional license of civil penalty of (\$700.00).

Marvelous Massage- Solymar Wilson (Time-32:15)

Ms. Wilson is applying for an Establishment license at 3173 S. Church St, Murfreesboro TN. She also holds an Establishment license (ME 5252) at 268 Veterans Pkwy, Murfreesboro TN since January 2019. Ms. Wilson and Geenah Wilson (formerly Waraporn Bayhi) were co-owners of that location until February 2021 when Geenah Wilson applied for a license at her own location, at 3173 S. Church St, Murfreesboro TN. Ms. Solymar applied for this location after Geenah Wilson was invited to the Board Meeting. While speaking with Mrs. Wilson and her husband, who is Solymar's son, Ms. Scott was asked if Ms. Solymar could apply for a second license at this location; to which Ms. Scott informed them that it would result in both applicants being invited to the Board due to the use of the same address on two open applications. Ms. Solymar has no prior discipline on her Establishment license. The lease for 3173 is held by Ms. Solymar as of June 1, 2021. Ms. Solymar has requested to withdraw her application for this location on July 9, 2021 due to no longer needing a second location because Ms. Geenah Wilson will be relocating to TX. Ms. Wilson informed the Board that she would like to withdraw her application. Motion was made by Dr. Bolden and seconded by Mr. Velker to allow the withdrawal of application. A roll call vote was held, and the motion passed.

Wensu Zhang (Time – 35:44)

Ms. Zhang applied for a massage therapist license and was present at this meeting. The Board's concerns included that Ms. Zhang's Tennessee reflexologist application was originally denied on March 15, 2016 because on March 23, 2015 Ms. Zhang pled guilty and was convicted of engaging in prostitution in the 8th criminal court, Baltimore, Maryland, and because Ms. Zhang stated on her reflexologist application that she had never been convicted of a felony or a misdemeanor other than a minor traffic violation. At the time of Ms. Zhang's reflexology application, this conviction was on her IdentoGo background check along with 3 other charges including practicing massage therapy without a license. The IdentoGo CBC results received on 1/1/2021 did not show any indications. Ms. Zhang has not provided to the administrative office any documentation to show that the prostitution conviction has been expunged. The Board heard from Ms. Zhang, Ms. Hodge, and Mr. Guilford. After many questions and much discussion, a motion was made by Mr. Mullins, seconded by Mr. Velker, to deny Ms. Zhang's application for a massage therapist license on the grounds that Ms. Zhang has provided fraudulent information on her applications. A motion was made by Dr. Bolden to amend the motion to report possibly fraudulent MBLEx test scores to the FSMTB. This amendment was accepted by Mr. Mullins, and the amended motion was seconded by Mr. Velker. The motion carried.

The Board took a brief break. When the Board reconvened, a roll call was taken by Ms. Hodge. A quorum was re-established.

Xu Chen (Time – 01:36:41)

Ms. Chen applied for a massage therapist license and was present at this meeting. The Board's concerns included that Ms. Chen completed her massage education at American & European Massage Clinic, Inc. in Raleigh, NC. This school's approval has been revoked by the North Carolina Board of Massage and Bodywork Therapy due to violations of their Practice Act (see NC board order). The Board heard from Ms. Chen, Mr. Guilford, and Ms. Hodge. After many questions and much discussion, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to deny Ms. Chen's application for a massage therapist license on the grounds that the Board is unable to confirm that Ms. Chen actually completed a massage education program. The motion carried.

Xiaoyan Wang (Time –01:59:45)

Ms. Wang applied for a massage therapist license and was not present at this meeting. The Board's concerns included that Ms. Wang completed her massage education at American & European Massage Clinic, Inc., in North Carolina. This school's approval has been revoked by North Carolina. The Board heard from Ms. Hodge that Ms. Wang emailed the administrative office the day before the meeting, saying that she could not attend due to an emergency. The Board heard from Ms. Hodge. A motion was made by Mr. Velker, seconded by Ms. Yarbrough, to defer this applicant interview to the November 2021 meeting to allow Ms. Wang to answer questions about her education. After some discussion, the motion carried.

YouQin Huang (Time – 02:07:43)

Ms. Huang applied for a massage therapist license and was present at this meeting. The Board's concerns included that Ms. Huang completed all but 55 hours of her massage education at Phoenix International School of Massage in an online/distance learning format, in violation of the Board's current Distance Learning Policy. The Board heard from Ms. Huang. After some discussion, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to allow Ms. Huang to withdraw her application. The motion carried.

Qingji Meng (Time – 02:16:30)

Mr. Meng applied for a massage therapist license and was present at this meeting. Mr. Meng completed only 50 hours of the 500-hour program in person at Greater DFW International Massage Academy in Texas. The remaining hours were completed online, according to Mr. Meng's transcripts. The Board heard from Mr. Meng, Ms. Hodge, and Mr. Guilford. After much discussion, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to allow Mr. Meng to withdraw his application. After more discussion, and a recommendation that this matter be referred to the FSMTB, the motion carried.

Lindsey Michelle Thomas (Time – 02:27:45)

Ms. Thomas applied for a massage therapist license and was present at this meeting. The Board's concerns included that the majority of Ms. Thomas's massage education hours in CA were completed in an online/distance learning format, in violation of the Board's current Distance Learning Policy. Ms. Thomas also completed a 150-hour massage education program in CA at a different massage school, which has since been taken over by another school; however, the current school is not on the CAMTC approved school list. Ms. Thomas asks that the Board approve her application even though she does not meet the Board's educational requirements for licensure. The Board heard from Ms. Thomas, Ms. Hodge, and Mr. Guilford. After much discussion, a motion was made by

Mr. Velker, seconded by Dr. Bolden, to offer a contingent license based on receipt of a sealed copy of Ms. Thomas' certificate from Orange County School of Massage. The motion carried.

Rejuvenation Massage- Melissa Adams, LMT (Time-02:57:10)

Ms. Adams is applying for an Establishment license at 143 Lynnwood Avenue, Elizabethton, TN. Ms. Adams is a Massage Therapist (LMT 13226) since 2019 and has no previous discipline on her Therapist license. Online advertising on Facebook and Massagebook.com show that the Establishment is currently open and last offering massage services as of June 2021. Reviews date back as far as January 2020, with a move from Merle Norman (541 E Elk Ave, Elizabethton, TN) to the current address in May 2020. There is no Establishment license ever on file for 541 E. Elk Ave, Elizabethton TN. Ms. Adams states that she currently works in a Chiropractor's office in Johnson City TN and does outcalls. The website for the Chiropractor does not reflect that Ms. Adams is a part of the staff. The address of the Establishment is also her home address. In discussion between Ms. Adams and the Board Members Ms. Adams admitted to performing massage at the unlicensed location of Merle Norma for a period of three months. She also was advised that if she was advertising massage services at her home address yet making appointments for clients to come to a different address violates the Rules on advertising. Ms. Adams also stated that she has been doing outcalls and working at the Chiropractor's office part time. A motion was made by Mr. Velker to approve a Conditional License with civil penalty of \$1100.00 to paid in 12 months. The motion was seconded by Dr. Bolden and passed with a roll call vote.

The meeting was adjourned for a lunch break and reconvened after a roll call with a quorum established.

Sarah Oliver, LMT- Sarah Oliver (Time- 03:26:00)

Ms. Oliver is applying for an Establishment license at 1830 Sharp Springs Rd, Winchester, TN. Ms. Oliver is a Licensed Massage Therapist (LMT 13423) since September 2020 and has no previous discipline on her Therapist license. Online advertising on Facebook show that the Establishment began offering massage services on March 8, 2021. Ms. Oliver states that she was unaware of the need to obtain an Establishment license for the location until May 6, 2021, at which time she ceased practicing massage at the location. She is being invited before the Board per the Policy for Establishment open & operation for 2 ½ months w/out an Establishment license. Ms. Oliver acknowledge that the stated facts were accurate, and she is still not currently practicing at the application. Velker made a motion to approve a Conditional license with civil penalties of \$900.00 to pain in six months. The motion was seconded by Mr. Mullins and a roll call vote passed the motion.

Heal U, LLC- Amber Gourley & Alfred Gourley (Time- 03:32:15)

Ms. And Mr. Gourley are applying for an Establishment license at 2700 S. Roan Street, Suite 212, Johnson City TN. Online advertising revealed that the business was opened and offering massage. Mrs. Gourley stated that services were performed from April 2021 until May 2021 at which time she was made aware that an Establishment license was required and ceased providing massage services. A motion was made by Mr. Velker to approve a Conditional License with a civil penalty of \$400.00 and was seconded by Mr. Mullins. The motion carried after a roll call vote was held.

Vanessa K. Gause, LMT (Time – 03:35:25)

Ms. Gause applied for a massage therapist license and was present at this meeting. The Board's concerns included that according to advertisements and reviews, Ms. Gause appears to have practiced massage in Tennessee without a Tennessee massage therapist license. The Board heard from Ms. Lowery, Ms. Hodge, and Mr. Guilford. After

some discussion, a motion was made by Mr. Velker, seconded by Ms. Yarbrough, to approve Ms. Lowery's application. After more discussion, and hearing further from Mr. Guilford and Ms. Hodge, Mr. Velker amended his motion, seconded again by Ms. Yarbrough, to approving a conditional license with civil penalties totaling \$100.00 for advertising and practicing massage without a license. The motion carried.

Lavesha Johnson, MT (Time – 03:57:16)

Ms. Johnson applied to reinstate her massage therapist license and was present at this meeting. The Board's concerns included that Ms. Johnson retired her TN massage therapist license in July 2015 while the OGC was in the process of bringing a case against her license for the CE violation of being 11 hours short for the 2011/2012 cycle. According to the OGC, despite having a retired license, Ms. Johnson has been practicing massage from at least January 2016 to July 2016. Ms. Johnson's previous reinstatement application was denied by the Board on November 8, 2017 based on evidence that Ms. Johnson had been practicing massage since her license expired in 2015 and based on evidence that Ms. Johnson was non-compliant with the 2011/2012 CE cycle. The Board heard from Ms. Johnson, Mr. Guilford, and Ms. Hodge. After much discussion, a motion was made by Mr. Velker to approve a conditional license for Ms. Johnson, requiring her to pay civil penalties totaling \$3,000.00 for practicing for 18 months without a license and failing to obtain 11 hours of continuing education during the 2011/2012 cycle; and to submit to the administrative office before January 31, 2023, proof of having completed the required 25 hours of continuing education for the 2021/2022 cycle; and that Ms. Johnson would have until December 31st, 2023, to pay the civil penalties in full. Mr. Velker amended his motion to include that Ms. Johnson would have to complete 17 hours of continuing education, including the 4 specialty hours by December 31, 2021. Mr. Velker's amended motion was seconded by Dr. Bolden. The motion carried.

Paige Marie Schunn, MT (Time – 04:54:51)

Ms. Schunn applied to reinstate her massage therapist license and was present at this meeting. The Board's concerns included that Ms. Schunn failed to report a criminal conviction in 2019. Ms. Schunn also stated in her reinstatement application that she had not been practicing massage from March 2020 to currently, however she has been advertising massage services online through the summer of 2021. The Board heard from Ms. Schunn, Mr. Guilford, and Ms. Hodge. After much discussion, a motion was made by Dr. Bolden, to approve a conditional license for Ms. Schunn, requiring her to correct her application; to pay civil penalties totaling \$850.00 for practicing massage on a lapsed license; and that she would have 8 months to pay the civil penalties in full. After the Board heard further from Ms. Hodge, Mr. Mullins asked about a TnPAP referral as a condition of licensure. After further discussion, Mr. Mullins seconded Dr. Bolden's motion. The motion carried.

The meeting adjourned.