

**BOARD OF MASSAGE THERAPY & ESTABLISHMENTS
MINUTES**

DATE: August 8-9, 2022
TIME: 9:00 AM CST

LOCATION: Iris Conference Room
665 Mainstream Drive, 1st Floor
Nashville, TN 37243

MEMBERS PRESENT: William Mullins, III, Board Member
Emily Newberry, Board Member
Marvis Burke, Board Member
Dee Vickers, Board Member
Michael Velker, Board Chair
Virginia Yarbrough, Board Secretary

STAFF PRESENT: Noranda French, Unit Director
Mary Bennett, Board Manager
Jessica Turner, Senior Associate General Counsel
Ms. Hoggard, Interpreter

Ms. French conducted a roll call. With a quorum established, Mr. Velker, Board Chair, called to order at 9:02 am. Ms. Hoggard was present to provide interpretation for the applicants as needed. Ms. French introduced Ms. Mary Bennett, Board Manager, and Ms. DeVita Scott, staff member. Mr. Velker acknowledged Ms. Kimberly Hodge expertise and loyal commitment to the Massage Board and thanked her for dedicated services.

Minutes

Ms. Yarbrough, made a motion, to approve the May 9-10, 2022 board meetings minutes, with the following corrections: page 6, line 6 add the word “license”, page 8, remove extra 2 from March 16, 2022, page 27, remove the 10th from the ratification dates at the bottom of the page, seconded by Mr. Mullins. The motion carried.

Ms. Yarbrough, made a motion, to approve the May 12, 2022, emergency meeting minutes, seconded by Mr. Mullins. The motion carried.

Receive reports and/or requests from the Board Director/Manager, Ms. Noranda French.

- a. **Administrator/Director’s Report**

DIRECTORS/MANAGERS REPORT
August 8, 9, 2022

This is an Administrative Report from Noranda French, Board Director 2 . 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 - This report runs from May 3rd, 2022-July 31st, 2022

As of July 31st, 2022, there were 4,532 licensed massage therapists and 1,598 licensed massage establishments.

Following is the license status since the last meeting:

THERAPISTS	ESTABLISHMENTS
May 2022	May 2022
Newly Licensed – 42	Newly Licensed – 13
Reinstate Applications – 9	Reactivation Applications – 3
Retired- 12	Retired – 7
New Applications- 32	New Applications- 16

THERAPISTS	ESTABLISHMENTS
June 2022	June 2022
Newly Licensed – 29	Newly Licensed – 20
Reinstate Applications – 5	Reactivation Applications – 2
Retired- 12	Retired – 5
New Applications- 33	New Applications- 16

THERAPISTS	ESTABLISHMENTS
July 2022	July 2022
Newly Licensed – 37	Newly Licensed – 16
Reinstate Applications – 5	Reactivation Applications – 3
Retired- 9	Retired – 3
New Applications- 22	New Applications - 24

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 May 2022 through July 2022, 594 licensees renewed their licenses via the website for a usage rate of 74% and 11 establishments renewed online for a usage rate of 8%. The administrative staff is asking that all Board members get the word out about renewing online and would ask the Board members use this tool to renew their licenses.

BUDGET/TRAVEL ISSUES

The In-state lodging rate is \$230.00 The In-state meals & incidentals is \$59.25 a day
 The standard mileage rate is \$0.47 a mile The Overnight meals & incidentals is \$79.00 a day

b. Investigation/Disciplinary Reports presented by Rodger Knowlton:

MESSAGE THERAPY BOARD REPORT – DISCIPLINARY
COORDINATORS – AUGUST 2022

Massage Therapists:

Reprimand: 10
 Probation: 42
 Suspension: 32
 Revoked/Surrendered: 20
 Conditional: 8

Massage Establishments:

Reprimand: 2
 Probation: 6
 Suspension: 0
 Revoked/Surrendered: 13
 Conditional: 10

c. Financial Report (No report available until November 3, 2022)

d. Continuing Education Audit Report (No report at this time)

e. **Discuss Legislation (presented by Olivia Spears)**

Ms. Spears informed the Board Members regarding the following:

Tennessee Massage Licensure Board Sunset. This public chapter extends the Tennessee Massage Licensure Board to June 30, 2028.

Autoclave Requirements. This public chapter exempts autoclaves from the clearance requirements of the Board of Boilers Rules if the autoclave sterilizes reusable medical or dental equipment used by an individual licensed under title 68 or 63, is installed in accordance with the manufacturer's recommendations, contains a boiler, and is regulated by the FDA. Effective as of March 28, 2022. The Governor did not sign this public chapter.

Massage Therapy Temporary License. This public chapter authorizes the Board of Massage Therapists to grant a temporary license to a person who has been licensed, registered, or certified, in good standing, in another state, territory of the United States, or the District of Columbia that meets all requirements for reciprocity, but which does not require successful passage of a competency examination approved by the board. An individual granted a temporary license pursuant to this public chapter may work if the person is supervised at all times by a licensed individual. This public chapter specifies the requirements to obtain licensure through reciprocity to an individual with a temporary license. The temporary license issued under this public chapter is effective for six months after the date of issuance, and this public chapter authorizes the person to apply for an additional six-month extension of the temporary license under certain circumstances. For rule-making purposes, effective as of April 8, 2022. For all other purposes, effective July 1, 2022.

UAPA. Clarifies that the ALJ shall decide a procedural questions of law. Allows the director of the administrative procedures division of the secretary of state's office to issue subpoenas. Allows electronic participation in hearings, by agreement of the parties. The hearing officer may allow electronic testimony if the absence of the witness would otherwise cause of delay of the hearing. Requires that a final orders be issued within 90 days. Allows that a petition for reconsideration be filed within 15 days of the entry of the final order or initial order. Effective as of April 19, 2022.

UAPA and Judicial Review Standards. Requires that a judge over a contested case not defer to an agency's interpretation of the statute or rule and shall interpret it de novo. Remaining ambiguity shall be resolved against the agency. Effective as of April 14, 2022.

Professional License Requirements. Mandates that a person seeking a professional license have US citizenship or be authorized under federal law to work in the US as verified by the SAVE Program (allows DACA children who are now adults to obtain professional licensure if not otherwise prevented by the license). Effective July 1, 2022.

Mandatory Reporting of Fatal Drug Overdoses. Requires that a fatal overdose be reported to law enforcement, including by doctors and nurses. Effective July 1, 2022.

Ms. Teresa Phillips, Director of TnPAP presented the report as follow:



**MESSAGE LICENSURE BOARD
ACTIVITY REPORT
July 1, 2021–June 30, 2022**

		Message Therapist	Establishment
Monitoring		3 (1 of the 3 student monitoring)	0
Referrals		10	0
Referral Source	MLB Administrative Office	9	0
	Other (School)	1	0
Referral Reason	Arrest History	8	0
	Disruptive Behavior	2	0
Agreements Entered		2	0
Discharges		7	0
Discharge Reason	Evaluated; no monitoring recommended	2	0
	Evaluated – declined recommendation	2	0
	Declined TnPAP services	1	0
	Monitoring Non-Compliance	1	0
	Monitoring Completed -- Regulatory	1	0

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Ratify Agreed Citations for Continuing Education Violations & Lapsed Licenses.

After a review, Mr. Mullins made a motion, to ratify the Agreed Citations for Continuing Education Violations and lapsed Licenses as presented, Ms. Yarbrough, seconded the motion. The motion carried.

TENNESSEE MESSAGE BOARD
RATIFICATION OF AGREED CITATIONS
August 8,9, 2022, MEETING

Continuing Education Audit

NAME	LICENSE #	CIVIL PENALTY	YEAR
1. Bettina Elizabeth Harris	2966	\$250.00	2017/2018
2. Kristian Leigh Gothard	7933	\$300.00	2017/2018
3. Celeste Paulette Cyr	11855	\$200.00	2017/2018
4. Brenda L. Granger	12227	\$400.00	2017/2018
5. Jacob Alexander Wilson	10247	\$575.00	2017/2018

Total **\$1,725.00**

Lapsed License

NAME	LICENSE #	CIVIL PENALTY	MONTHS
1. Catherine Michelle Garland	6011	\$200.00	5 months
2. Denise Barnhill, Establishment	2572	\$100.00	5 months
3. A Berry Special Place	2553	\$250.00	3 months
4. Body and Sole	2458	\$1,550	9 months

Total **\$2,100.00**

Grand Total: \$3,825.00

Ratifications of initials, reinstatements, and closed files.

After review, Mr. Mullins made a motion, to approve the ratification lists as presented, seconded by Ms. Yarbrough. The motion carried.

Ratification List Reinstatements MT and ME May 2, 2022 to August 3, 2022										
Prof Code	Profession	Rank	License Status EffectiveDate	Current License Status	Previous License Status	License Number	Name	License Expiry Date	Rank Effective Date	
2680	Massage Therapist	MT	8/2/2022	Licensed	Voluntarily Retired	6112	Whitehead Tammy Hurley	10/31/2023	3/16/2006	
2680	Massage Therapist	MT	5/18/2022	Licensed	Voluntarily Retired	13312	Alexander Ashley L	4/30/2024	4/6/2020	
2680	Massage Therapist	MT	8/2/2022	Licensed	Expired	10140	Braden Jonathan David	5/31/2024	6/26/2013	
2680	Massage Therapist	MT	7/18/2022	Licensed	Expired	6962	Eberly Olivia Bethann	3/31/2025	3/26/2008	
2680	Massage Therapist	MT	5/25/2022	Licensed	Expired	4615	Fagan Linda Gail	10/31/2023	7/21/2004	
2680	Massage Therapist	MT	6/20/2022	Licensed	Expired	6011	Garland Catherine Michelle	5/31/2025	3/17/2006	
2680	Massage Therapist	MT	6/6/2022	Licensed	Voluntarily Retired	5494	Garrard Laura Elizabeth	11/30/2024	8/10/2005	
2680	Massage Therapist	MT	5/25/2022	Licensed	Voluntarily Retired	2140	Hubbard Jacqueline Hood	3/31/2025	6/12/2000	
2680	Massage Therapist	MT	7/25/2022	Licensed	Voluntarily Retired	3884	Johnson Buffie Renee	8/31/2023	8/18/2003	
2680	Massage Therapist	MT	7/18/2022	Licensed	Expired	9811	Jones Ryan Michael	10/31/2024	1/2/2013	
2680	Massage Therapist	MT	7/18/2022	Licensed	Voluntarily Retired	10011	Looper Mary Helen	8/31/2023	4/18/2013	
2680	Massage Therapist	MT	6/17/2022	Licensed	Expired	976	McNitt Robert Waring JR.	3/31/2025	1/7/1998	
2680	Massage Therapist	MT	6/27/2022	Licensed	Expired	11636	Meyers Caroline Jennifer	11/30/2024	8/9/2016	
2680	Massage Therapist	MT	5/6/2022	Licensed	Expired	12571	Pierce Rayven Ashlynn	12/31/2024	5/17/2018	

2680	Massage Therapist	MT	5/18/2022	Licensed	Voluntarily Retired	6104	Priola Nicole Marie	9/30/2024	3/13/2006
2680	Massage Therapist	MT	7/19/2022	Licensed	Voluntarily Retired	11974	Quinn Kerry Ann	7/31/2024	2/16/2017
2680	Massage Therapist	MT	6/16/2022	Licensed	Expired	12700	Smith Jerred Michael	1/31/2024	10/17/2018
2680	Massage Therapist	MT	5/4/2022	Licensed	Expired	8953	Swafford Nakia Rashad	10/31/2024	5/17/2011
2680	Massage Therapist	MT	5/23/2022	Licensed	Expired	13004	Watkins Catina Lynette	3/31/2025	10/15/2019
2680	Massage Therapist	MT	5/19/2022	Licensed	Expired	12418	Wilkes-Reeves Tina Marie Mrs.	9/30/2023	3/23/2018
2680	Massage Therapist	MT	5/23/2022	Licensed	Expired	7635	Williams Mandy Mae	4/30/2025	3/11/2009
2681	Massage Establishment	ME	7/18/2022	Licensed	Expired	2553	A. Berry Special Place	3/31/2024	3/5/2008
2681	Massage Establishment	ME	6/9/2022	Licensed	Voluntarily Retired	2472	Blue Zen	5/31/2024	11/21/2007
2681	Massage Establishment	ME	7/18/2022	Licensed	Expired	2458	Body And Sole	7/31/2022	10/25/2007
2681	Massage Establishment	ME	7/20/2022	Licensed	Expired	2572	Denise Barnhill Lmt	5/31/2024	4/22/2008
2681	Massage Establishment	ME	5/12/2022	Licensed	Expired	1397	Lotus Massage Therapy	2/29/2024	12/14/2004
2681	Massage Establishment	ME	5/19/2022	Licensed	Expired	5271	Ritual Ridge	4/30/2024	3/5/2019
2681	Massage Establishment	ME	5/26/2022	Licensed	Expired	5162	Sage Skincare And Wellness	4/30/2024	9/26/2018
2681	Massage Establishment	ME	6/1/2022	Licensed	Expired	1171	Tru Massage Or Knot Studio	4/30/2024	11/18/2003

Ratification List Initial MT and ME Applications May 2, 2022 to August 3, 2022

Prof Code	Profession	Rank	License Status EffectiveDate	Current License Status	Previous License Status	License Number	Name	License Expiry Date	Rank Effective Date
2680	Massage Therapist	MT	5/6/2022	Licensed	Application in Process	14156	Gronewold Stephanie Darlene	12/31/2024	5/6/2022
2680	Massage Therapist	MT	5/11/2022	Licensed	Application in Process	14049	Guerra-Valero Gabriella Noeli	2/29/2024	5/11/2022
2680	Massage Therapist	MT	5/27/2022	Licensed	Application in Process	14179	Hamill Erica Nicole	7/31/2023	5/27/2022
2680	Massage Therapist	MT	6/30/2022	Licensed	Application in Process	14105	Ignatius Darion Colleen	1/31/2024	5/11/2022
2680	Massage Therapist	MT	8/2/2022	Licensed	Application in Process	14219	Herrera Roberto Jose	5/31/2024	8/2/2022
2680	Massage Therapist	MT	5/18/2022	Licensed	Application in Process	14150	Hicks Elizabeth Anne	8/31/2023	5/18/2022
2680	Massage Therapist	MT	6/23/2022	Licensed	Application in Process	14187	Hill Amber Nichole	9/30/2023	6/23/2022
2680	Massage Therapist	MT	4/9/2022	Licensed	Application in Process	14203	Huebner Stephanie Rose	9/30/2023	4/9/2022
2680	Massage Therapist	MT	8/2/2022	Licensed	Application in Process	14252	Huff Leticia Ana	9/30/2023	8/2/2022
2680	Massage Therapist	MT	6/22/2022	Licensed	Application in Process	14171	Jaekle Lauren Elizabeth	12/31/2023	6/22/2022
2680	Massage Therapist	MT	4/27/2022	Licensed	Application in Process	14234	Janika Conne Jo	5/31/2025	4/27/2022
2680	Massage Therapist	MT	8/2/2022	Licensed	Application in Process	14252	Karing Angela Lynn	2/29/2024	8/2/2022
2680	Massage Therapist	MT	6/30/2022	Licensed	Application in Process	14129	Kelley Amber Celeste	1/31/2024	6/30/2022
2680	Massage Therapist	MT	5/2/2022	Licensed	Application in Process	14175	Laney Julia Elizabeth	4/30/2025	5/2/2022
2680	Massage Therapist	MT	6/14/2022	Licensed	Application in Process	14149	Langfield Deborah Ann	8/31/2023	6/14/2022
2680	Massage Therapist	MT	8/2/2022	Licensed	Application in Process	14225	Larosa Sarah Ann	3/31/2025	8/2/2022
2680	Massage Therapist	MT	5/26/2022	Licensed	Application in Process	14168	Leah Rachel	1/31/2025	5/26/2022
2680	Massage Therapist	MT	5/26/2022	Licensed	Application in Process	14167	Leibson Keren Glen	9/30/2024	5/26/2022
2680	Massage Therapist	MT	5/11/2022	Licensed	Application in Process	14145	Liu Jin	10/31/2023	5/11/2022
2680	Massage Therapist	MT	6/22/2022	Licensed	Application in Process	14148	Lowland Marina Nicole	2/28/2025	6/22/2022
2680	Massage Therapist	MT	7/25/2022	Licensed	Application in Process	14194	Machado Eve C	12/31/2024	7/25/2022
2680	Massage Therapist	MT	5/23/2022	Licensed	Application in Process	14078	Madigan Emily Elizabeth	4/30/2024	5/23/2022
2680	Massage Therapist	MT	8/2/2022	Licensed	Application in Process	14259	Madril Alyah Jade	3/31/2025	8/2/2022
2680	Massage Therapist	MT	7/25/2022	Licensed	Application in Process	14182	Maizee Nicholas Christopher	1/31/2024	7/25/2022
2680	Massage Therapist	MT	5/31/2022	Licensed	Application in Process	14165	Makaus Kimberly Y	12/31/2023	5/31/2022
2680	Massage Therapist	MT	6/1/2022	Licensed	Application in Process	14180	Massey Karen Lynn	2/29/2024	6/1/2022
2680	Massage Therapist	MT	6/30/2022	Licensed	Application in Process	14213	Miller Stephanie Ann	12/31/2024	6/30/2022
2680	Massage Therapist	MT	5/2/2022	Licensed	Application in Process	14178	Moore Nicholas Christopher	9/30/2024	5/2/2022
2680	Massage Therapist	MT	8/2/2022	Licensed	Application in Process	14283	Morozova Christina Vitaliya	5/31/2025	8/2/2022
2680	Massage Therapist	MT	7/25/2022	Licensed	Application in Process	14244	Moysa Joanna Lynn	12/31/2024	7/25/2022
2680	Massage Therapist	MT	7/2/2022	Licensed	Application in Process	14207	Nagano Jena C	12/30/2024	7/2/2022
2680	Massage Therapist	MT	7/26/2022	Licensed	Application in Process	14224	Naimeddin Shawan Yasin	1/31/2024	7/26/2022
2680	Massage Therapist	MT	7/6/2022	Licensed	Application in Process	14218	Orange Ashley Michelle	11/31/2023	7/6/2022
2680	Massage Therapist	MT	7/29/2022	Licensed	Application in Process	14157	Pearson Zachary Steve	4/30/2025	7/29/2022

2680	Massage Therapist	MT	6/8/2022	Licensed	Application in Process	14312	Peebles Jessica Joelle	2/29/2024	6/8/2022
2680	Massage Therapist	MT	8/2/2022	Licensed	Application in Process	14237	Plummer De'Anna Jama	10/31/2024	8/2/2022
2680	Massage Therapist	MT	5/11/2022	Licensed	Application in Process	14124	Pyles Sheila Cathleen	2/28/2025	5/11/2022
2680	Massage Therapist	MT	6/8/2022	Licensed	Application in Process	14202	Raper Jamie Leanne	6/8/2024	6/8/2022
2680	Massage Therapist	MT	7/5/2022	Licensed	Application in Process	14216	Reyes Maria Rosario	12/31/2024	7/5/2022
2680	Massage Therapist	MT	5/11/2022	Licensed	Application in Process	14125	Rogers Travis Houston	9/30/2023	5/11/2022
2680	Massage Therapist	MT	7/22/2022	Licensed	Application in Process	14280	Rohm Nikolous Paul	7/31/2024	7/22/2022
2680	Massage Therapist	MT	7/26/2022	Licensed	Application in Process	14255	Rose Sonya Brown	2/29/2024	7/26/2022
2680	Massage Therapist	MT	5/27/2022	Licensed	Application in Process	14188	Sanchez Natalie	1/31/2025	5/27/2022
2680	Massage Therapist	MT	6/30/2022	Licensed	Application in Process	14233	Scott Melinda Suzanne	9/30/2024	6/30/2022
2680	Massage Therapist	MT	5/23/2022	Licensed	Application in Process	14075	Sharbone Norman Don	6/31/2023	5/23/2022
2680	Massage Therapist	MT	5/23/2022	Licensed	Application in Process	14120	Shipp Shyanne Marie	6/30/2024	5/23/2022
2680	Massage Therapist	MT	5/31/2022	Licensed	Application in Process	14221	Spence Kaeli	10/31/2024	5/31/2022
2680	Massage Therapist	MT	6/16/2022	Licensed	Application in Process	14211	Starkweather Joseph Allen	8/31/2024	6/16/2022
2680	Massage Therapist	MT	7/12/2022	Licensed	Application in Process	14154	Straner Michelle Nicole	2/28/2023	7/12/2022
2680	Massage Therapist	MT	6/14/2022	Licensed	Application in Process	14189	Taylor Nicolette Sheridan	7/31/2024	6/14/2022
2680	Massage Therapist	MT	7/12/2022	Licensed	Application in Process	14276	Todd Lori Kay	6/30/2024	7/12/2022
2680	Massage Therapist	MT	7/18/2022	Licensed	Application in Process	14246	Townsend Cedric Michael	5/31/2025	7/18/2022
2680	Massage Therapist	MT	5/27/2022	Licensed	Application in Process	14186	Vansickle Candice Lee	6/30/2024	5/27/2022
2680	Massage Therapist	MT	6/1/2022	Licensed	Application in Process	14193	Wampler Cheyenne Audrey	5/31/2024	6/1/2022
2680	Massage Therapist	MT	7/6/2022	Licensed	Application in Process	14231	Wanamaker Autumn Chanel	10/31/2023	7/6/2022
2680	Massage Therapist	MT	6/13/2022	Licensed	Application in Process	14200	Ward Rebekah Hope	5/30/2024	6/13/2022
2680	Massage Therapist	MT	7/18/2022	Licensed	Application in Process	14245	Watson Drake Levi	2/31/2023	7/18/2022
2680	Massage Therapist	MT	7/26/2022	Licensed	Application in Process	14136	Watts Kelley Nicole	5/31/2024	7/26/2022
2680	Massage Therapist	MT	5/5/2022	Licensed	Application in Process	14172	White Candice Noelle	1/31/2025	5/5/2022
2680	Massage Therapist	MT	5/26/2022	Licensed	Application in Process	14108	Whitlock Renee Melissa	6/30/2024	5/26/2022
2680	Massage Therapist	MT	5/12/2022	Licensed	Application in Process	14181	Whitlow Brooke Nicole	7/31/2023	5/12/2022
2680	Massage Therapist	MT	7/11/2022	Licensed	Application in Process	14241	William Zorian Ja Monte	6/30/2024	7/11/2022
2680	Massage Therapist	MT	7/28/2022	Licensed	Application in Process	14235	Worley Skacie Lenae	4/30/2025	7/28/2022
2680	Massage Therapist	MT	6/14/2022	Licensed	Application in Process	14210	Wright Courtney Deshae	1/31/2024	6/14/2022
2680	Massage Therapist	MT	7/14/2022	Licensed	Application in Process	14096	Wu Hao	10/31/2024	7/14/2022
2680	Massage Therapist	MT	7/14/2022	Licensed	Application in Process	14142	Yan Ziyu	3/31/2025	7/14/2022
2681	Massage Establishment	ME	7/11/2022	Licensed	Application in Process	6005	Healing Hands Massage Lic	7/31/2024	7/11/2022
2681	Massage Establishment	ME	5/31/2022	Licensed	Application in Process	5993	Homefront Concierge Physical Therapy	5/31/2024	5/31/2022
2681	Massage Establishment	ME	8/2/2022	Licensed	Application in Process	6017	Humble Heart Yoga Studio	8/31/2024	8/2/2022
2681	Massage Establishment	ME	7/29/2022	Licensed	Application in Process	6047	In The Spotlight Lic	7/31/2024	7/29/2022
2681	Massage Establishment	ME	8/2/2022	Licensed	Application in Process	6044	Intuitive Bodywork Tn	8/31/2024	8/2/2022
2681	Massage Establishment	ME	7/14/2022	Licensed	Application in Process	6028	Jamestown Massage	7/31/2024	7/14/2022
2681	Massage Establishment	ME	7/28/2022	Licensed	Application in Process	6011	Jennifer Coppock Lmt	7/31/2024	7/28/2022
2681	Massage Establishment	ME	7/28/2022	Licensed	Application in Process	6042	Knox Muscle Therapy	7/31/2024	7/28/2022
2681	Massage Establishment	ME	7/20/2022	Licensed	Application in Process	6021	Knowlitz Massage And Bodywork	7/31/2024	7/20/2022
2681	Massage Establishment	ME	5/18/2022	Licensed	Application in Process	5997	Massage Remedy North	5/31/2024	5/18/2022
2681	Massage Establishment	ME	5/27/2022	Licensed	Application in Process	5992	Mellow Vibes Massage Lic	5/31/2024	5/27/2022
2681	Massage Establishment	ME	6/16/2022	Licensed	Application in Process	5904	Meraki Beauty & Wellness Inc	6/30/2024	6/22/2022
2681	Massage Establishment	ME	6/27/2022	Licensed	Application in Process	6012	Method Med Spa	6/30/2024	6/27/2022
2681	Massage Establishment	ME	7/8/2022	Licensed	Application in Process	6023	Nlg Holdings Lic	7/31/2024	7/8/2022
2681	Massage Establishment	ME	8/2/2022	Licensed	Application in Process	6046	Onsite Partners Inc	8/31/2024	8/2/2022
2681	Massage Establishment	ME	6/27/2022	Licensed	Application in Process	6020	Peaceful Zen	6/30/2024	6/27/2022
2681	Massage Establishment	ME	5/31/2022	Licensed	Application in Process	6002	Rachel Gard Lmt	5/31/2024	5/31/2022
2681	Massage Establishment	COND	6/2/2022	Licensed	Application in Process	5967	Energy Healing- Lij Reflexology	6/30/2024	6/2/2022
2681	Massage Establishment	COND	6/2/2022	Licensed	Application in Process	5974	Fare Well Massage	6/30/2024	6/2/2022
2681	Massage Establishment	COND	6/14/2022	Licensed	Application in Process	5950	Head 2 Toe	6/30/2024	6/20/2022
2681	Massage Establishment	COND	6/12/2022	Licensed	Application in Process	5949	Knending Knots Massage Therapy	6/30/2024	6/6/2022
2681	Massage Establishment	ME	6/7/2022	Licensed	Application in Process	6001	Allison Seaton	6/30/2024	6/7/2022
2681	Massage Establishment	ME	5/18/2022	Licensed	Application in Process	5979	Amy Massage	5/31/2024	5/18/2022
2681	Massage Establishment	ME	6/20/2022	Licensed	Application in Process	5995	Ashley Alexander Massage	6/30/2024	6/20/2022
2681	Massage Establishment	ME	6/15/2022	Licensed	Application in Process	6003	Ashley Hand Lmt	6/30/2024	6/15/2022
2681	Massage Establishment	ME	6/21/2022	Licensed	Application in Process	6018	Balanced Massage Therapy Lic	6/30/2024	6/21/2022
2681	Massage Establishment	ME	5/11/2022	Licensed	Application in Process	5956	Better N Better Lic	5/31/2024	5/11/2022
2681	Massage Establishment	ME	5/11/2022	Licensed	Application in Process	5955	Better N Better Lic Chatt	5/31/2024	5/11/2022
2681	Massage Establishment	ME	7/20/2022	Licensed	Application in Process	6013	Brown Dog BodyWork And Sports Massage Pllc	7/31/2024	7/20/2022
2681	Massage Establishment	ME	6/8/2022	Licensed	Application in Process	5996	Collins De La Cour Lmt	6/30/2024	6/8/2022
2681	Massage Establishment	ME	7/28/2022	Licensed	Application in Process	6038	Eden Massage Inc	7/31/2024	7/28/2022
2681	Massage Establishment	ME	5/12/2022	Licensed	Application in Process	5978	Evie Varley & Daisy Pllc	5/31/2024	5/12/2022
2681	Massage Establishment	ME	7/7/2022	Licensed	Application in Process	6009	Evolve Nutrition And Yoga Lic	7/31/2024	7/7/2022
2681	Massage Establishment	ME	7/7/2022	Licensed	Application in Process	6022	Handcrafted Massage Lic	7/31/2024	7/7/2022
2681	Massage Establishment	ME	5/12/2022	Licensed	Application in Process	5990	Rachel Mathenia Healing Arts	5/31/2024	5/12/2022
2681	Massage Establishment	ME	7/27/2022	Licensed	Application in Process	6040	Rachel Speranza Lmt	7/31/2024	7/27/2022
2681	Massage Establishment	ME	6/8/2022	Licensed	Application in Process	5958	Relaxation By The River Massage	6/30/2024	6/16/2022
2681	Massage Establishment	ME	7/12/2022	Licensed	Application in Process	6015	Ron Clippard Lmt	7/31/2024	7/12/2022
2681	Massage Establishment	ME	6/30/2022	Licensed	Application in Process	5991	Roy A Jackson	6/30/2024	6/30/2022
2681	Massage Establishment	ME	6/2/2022	Licensed	Application in Process	6008	Signature Design Beauty Academy	6/30/2024	6/2/2022
2681	Massage Establishment	ME	6/22/2022	Licensed	Application in Process	6010	Terrific Tans	6/30/2024	6/22/2022
2681	Massage Establishment	ME	6/1/2022	Licensed	Application in Process	5994	The Guided Healing Co.	6/30/2024	6/1/2022
2681	Massage Establishment	ME	5/26/2022	Licensed	Application in Process	5999	The Isomai Center Lic Oba Tuis Spa Events	5/31/2024	5/26/2022
2681	Massage Establishment	ME	6/15/2022	Licensed	Application in Process	5998	Therapeutic Solutions Mobile Massage Lic	6/30/2024	6/15/2022

Review, ratify, discuss, and approve/deny continuing education courses.

After review and discussion, Mr. Mullins, made a motion, to approve Paula Anderson – Financial Management (Live-In-Person) 1-hour-TN080822-01 and Wil Van Winkle- Massage Cupping Methods (Live -In-Person) 8-hour-TN052322-32, as presented. Ms. Vickers seconded the motion. The motion carried.

Review Board correspondence(s): None to review

Applicant Interviews:

a. Joanna Lee –
Office of General Counsel, Jessica Turner, informed the Board that there was no action that could be taken regarding Ms. Lee’s application. Ms. Turner further stated that Ms. Lee’s application was denied at the February 2022 board meeting, and she was sent a denial letter. Additionally, Ms. Lee did not follow the steps of the letter to appeal the Board’s decision and there is no further action that the Board can take at this time. The Board did not wish to further discuss the application of Ms. Joanna Lee.

b. Meishuang Wang -
Ms. Wang was referred to the board due to an MBLEx taken in 2022 indicating she graduated from Aberdeen College in Los Angeles California, however, the transcripts sent to our office was from Atlanta University of Health Science, where she graduated from in 2021. Our office also received two transcripts that are completely different grades, points, and GPAs. Lastly, the reference letters are both from people who acknowledge her “from time to time” from the Atlanta University and her address is in California. Ms. Hoggard, was present to translate for the applicant. The Board asked Ms. Wang various questions regarding her education and application.

Mr. Mullins, made a motion, to deny the application based on fraud and deceit, seconded by Ms. Yarbrough. The motion carried.

c. Liangliang Zhang –

Mr. Mullins, made a motion, seconded by Ms. Yarbrough, to defer the application until the November 3, 2022, board meeting, to allow Ms. Zhang to contact the State of NJ Board of Education to request an official transcript, and she will need to request a copy of the attendance record that verifies classes that she took in person, additionally, identify which classes were taken online, and the number of classroom hours. The Board voted and all agreed to the motion, none opposed.. The motion carried.

d. Quilin Yu- Asian Massage- Request to withdraw –

Ms. Yu applied for an Establishment license at 1503 Ft. Campbell Blvd, Ste B, Clarksville, TN. She is a licensed Massage Therapist (LMT 13980) with no prior discipline. Ms. Yu is the third applicant to apply for an Establishment license at this location. The previous owners of the establishment were both denied licenses due to alleged sexual activity and practicing massage without a license. Ms. Yu has listed both, Tennessee and Pennsylvania addresses on her application, and the Tennessee is that of the establishment. Ms. Yu was not present. Ms. Yarbrough, made a motion, to allow the applicant to withdraw her application. Ms. Newberry seconded the motion. The motion carried.

e. Tameka Holmes Gray –

Per a note in the State of Tennessee LARS system, the Office of General Counsel would like for Ms. Gray to appear before Board for 2011/2012 CE violation. Case #- 2015036371. Respondent retired her license without satisfying agreed citation of 25 hours form CE Audit. The Board asked Ms. Holmes various questions regarding her application and continuing education. Mr. Mullins made a motion to grant the applicant a conditional license based upon submission of thirty hours of continuing education, six must be in law, payment of the \$775.00 fine by January 15, 2023, and reporting continuing education by January 15, 2025, for the 2023-2024 cycle. The license will be on probation until February 1, 2025. Ms. Yarbrough seconded the motion. The motion carried.

f. Curtis Witt III -

Mr. Curtiss Witt was invited to appear before the board due to multiple criminal convictions including, but not limited, to several suspended licenses, 2010 DWI, 2012 Domestic Assault 3rd degree, that is a second offense, and, lack of child support payments. Based upon the Board's Criminal Conviction Policy, the Administrative Office referred Mr. Witt, to TnPAP for an evaluation to determine if he was safe to practice. Mr. Witt informed the Administrative Office that he would prefer to appear before the Board instead of undergoing the TnPAP evaluation. The Administrative Office is also concerned because Mr. Witt is listed as an employee on LJY Reflexology website, and it appears he had an appointment available to be booked with him the week of February 13-18, 2022. Mr. Witts III, father, Curtiss Witt II, is applying for an establishment license and is an owner and operator of LJY Reflexology along with Keisha Fletcher. The board asked Mr. Witt various questions regarding his TnPAP evaluation. Mr. Witt has a favorable TnPAP evaluation.

Mr. Mullins made a motion to grant a conditional license based upon payment of one type A penalty of \$500.00 fine, paid by 12/31/2022. Mr. Velker seconded the motion. The motion carried.

g. Mitchell Ghea

Mr. Ghea was referred to TNPAP due to indication on his criminal background check. He was evaluated by TNPAP on June 6, 2022 and has been given a favorable recommendation to be licensed. He has entered a monitoring agreement on June 27, 2022. Mr. Ghea has retained TnPAP advocacy and has an anticipation date of June 26, 2023, for completion. The Board asked the applicant various question regarding his TnPAP evaluation plans. Mr. Mullins made a motion to grant a conditional license based upon his successful completion of the TnPAP monitoring agreement, Ms. Yarbrough seconded the motion. The motion carried.

h. Monica Austin

Ms. Austin was invited to interview with the Board due to her criminal background results, and TnPAP evaluation. The Board asked Ms. Austin various questions regarding her TnPAP evaluation process. Ms. Vickers, made a motion, to grant a license, seconded by Ms. Newberry.

Mr. Mullins, Ms. Burke, and Ms. Yarborough opposed the motion. The motion was defeated. Mr. Mullins, made a motion, to defer this applicant until the next meeting and results of the TnPAP evaluation. Ms. Yarbrough seconded the motion. The motion carried.

i. Leslie Stump (TNPAP)

Ms. Stump was invited to interview with the Board due to her criminal background results, including charges that are not yet legally settled. The Board asked the applicant various questions regarding her TnPAP evaluation and treatment. Mr. Mullins made a motion to deny the application. Ms. Yarbrough seconded the motion. The motion carried.

j. Barry Gager- Therapeutic Massage

Mr. Gager is applying for an establishment license at 1916 Patterson St. Ste 200, Nashville, TN. This address was previously licensed by Mr. Fredrick Dunlap (LMT 133) from 2010 to 2012 and he applied to reinstate the license in August 2021. The reinstatement application expired without requirements met by Mr. Dunlap. A Board Order from the February 9, 2022 meeting placed his therapist license on conditional probation for a period of 3 years for practice of massage therapy without a valid license. Respondent may not be the owner or responsible person of a massage establishment during period of probation; must provide proof of continuing education compliance for the prior cycle year on January 1, 2023, and January 1, 2025; assessed civil penalty of \$15,000.00. Mr. Gager has applied for the license with Mr. Dunlap listed as the therapist. The lease agreement submitted by Mr. Gager states both, he and Mr. Dunlap as tenants of the suite. The Board asked Mr. Gager questions regarding his application for licensure. Mr. Mullins, made a motion, to approve the establishment license. Ms. Yarbrough seconded the motion, none opposed. The motion carried.

k. Dawn Valenzuela- LA Medspa

Ms. Valenzuela applied for reinstatement of her establishment license (ME 926) at 6925 Shallowford Rd, Suite 207, Chattanooga TN. Advertisements at the time of application reflect and allow booking of services by massage therapist Ashley Kinsey (LMT 12888) and Lotem Krendel (12714). While the booking link for Ms. Kinsey directs to book with her business at a different address for service, Ms. Valenzuela states that she provided massages at LA Medspa the week prior to the application date. The booking link for Ms. Krendel shows to book services with her at LA Medspa, and Ms. Valenzuela states that she too has performed services there prior to the application date. Ms. Valenzuela says that the therapist, rent space from her and that she did not realize that her license was not active any longer at the time she advertised the spaces for rent.

Ms. Valenzuela states that she took the proper steps to reactivate it as soon as she realized that it was expired. The Board asked Ms. Valenzuela various questions regarding her reinstatement application. Mr. Mullins, made a motion, to grant a contingent license with a \$250.00 civil penalty. Ms. Newberry seconded the motion, none opposed. The motion carried.

l. Lotem Krendel- Krendel Healing Works

Ms. Krendel applied for an Establishment license at 6925 Shallowford Rd, Suite 207, Chattanooga TN. She is a licensed Massage Therapist (LMT 12714) with no prior discipline. Facebook and the website for the business reflect appointments able to be booked at the location starting April 11, 2022. The business is located inside of LA Medspa, which has also applied for an establishment license with Ms. Lotem listed as one of the therapists at the business which is at this this same address. The Board asked the applicant various questions regarding her application. Ms. Yarbrough, made a motion, to grant the license. Ms. Burke seconded the motion, none opposed. The motion carried.

m. LeAnn Slater- Soul System Healing

Ms. Slater applied for an establishment license at 108 Stekoia Lane, Suite 201, Knoxville, TN. She has been a massage therapist in TN since April 2022. Online advertisements reflect the business was open and operating prior to being licensed. Advertisements reflect that both, the business address and Ms. Slater's home address for service. Ms. Slater states that her Vagaro website has reviews from 2021 which were from employment at an establishment in North Carolina.

She states she has disabled the websites and marked the businesses as temporarily closed. The Board asked the applicant various questions regarding her application. Ms. Yarbrough, made a motion, to grant a conditional establishment license based upon the payment of a \$250.00 civil penalty. Ms. Burke seconded the motion, none opposed. The motion carried.:

n. Mimi Moschella- My Masso

Ms. Moschella applied for an establishment license at 7011 Cannonade Ct., Spring Hill, TN. She is a licensed massage therapist (LMT 12967) with no prior discipline. The Facebook page for Ms. Moschella state that she is a licensed massage therapist working at My Masso LLC, and the Facebook page for My Masso LLC, shows in studio and concierge services are available. Ms. Moschella stated that she has been working on the marketing for the business, and that the information is available to begin booking appointments for June, in anticipation of receiving the establishments license. Ms. Moschella stated that her first scheduled appointment to bill at the establishment is scheduled June 13, provided she is licensed at that time. The Board asked the applicant various questions regarding her establishment license. Ms. Yarbrough, made a motion, to grant the license. Ms. Burke seconded the motion, none opposed. The motion carried.

o. Helen Haas- Safe Haven Wellness& Spa

Ms. Haas applied for an establishment license at 408 N. Willow St, Suite B, Springfield, TN. She is a licensed massage therapist (LMT 13223) with no prior discipline. The website for the establishment shows services and fees and states that they are provided by appointment only. The address is also provided. Ms. Haas state that the website was put in place as a suggestion by a business consultant to begin gaining public interest for the establishment, but she has not been performing massage at the location. The Board asks the applicant various questions regarding her application. Mr. Mullins, made a motion to grant a conditional license based upon payment of a \$500.00 civil penalty by December 31, 2022. Ms. Yarborough seconded the motion, none opposed. The motion carried.

p. Tatyana Moncayo- Positive Change

Ms. Moncayo is applying for an establishment license at 745 S. Church Street, Suite 105, Murfreesboro TN. She has been a licensed massage therapist in TN since 2008 with no prior discipline on her license. Google advertisements and reviews along with the establishment website reflect that the business was open and operating at the time of application. Ms. Moncayo states that while she has opened an office space, she has not performed massages to any clientele at the location. The photographs on the website are of family members modeling for promotion of the services to be offered at the establishments. She also states that the reviews were written by friends and family for promotion on Google search for the establishment. The Board asked the applicant various questions regarding her application. Mr. Mullins, made a motion, to grant a conditional license based upon payment of \$500.00 civil penalty by December 31, 2022. Ms. Yarbrough seconded the motion, none opposed. The motion carried.

q. Peggy Stoker Moore- Recovering Me Holistic Wellness (phone interview)

Ms. Stokes Moore applied for an establishment license at 340 Byhalia Rd. Collierville, TN. She has been a licensed massage therapist in TN since March 2022. Her massage establishment license was issued in April 2022 and voluntarily retired in June 2022. Online advertisement at the time of application revealed services being offered. Ms. Stokes Moore states that the business is not open for services, but she hired a website builder to create her website in preparation to open and did not realize that the website was active. The applicant was present via phone call. The Board asked the applicant various questions regarding her application. Mr. Mullins, made a motion, to approve the establishment license. Ms. Vickers seconded the motion, none opposed. The motion carried.

r. Erica and Cori Latimer- Wayfaring Massage and Wellness (phone interview)

Mr. and Mrs. Latimer applied for an Establishment license at 107 E. Main Street, Rogersville, TN. Mrs. Latimer has been a massage therapist in TN since 2019, and Mr. Latimer since 2020. Mrs. Latimer was previously disciplined in July 2021 for practicing on a lapsed license for four months. The Facebook page for the business shows that it was open and operating at the time of application. Mrs. Latimer states that the business has been open since November 2021 and they were unaware of the need for an Establishment license. The Board asked the applicants various questions regarding the application. Ms. Yarbrough, made a motion, to grant a conditional license based upon a civil penalty payment of \$4,500.00 over a 36-month period. Ms. Burke seconded the motion, none opposed. The motion carried.

s. Cristel Hibbs, LMT

Ms. Hibbs explained to the Board that she thought she was “Grandfathered” and able to practice in TN. She stated that she initially put in an application in 2021 that she was in the process of applying and was working at The Now, however, we did not receive her application until March 23, 2022. Ms. Hibbs stated that she was practicing by her own admission during this time. The Board asked Ms. Hibbs various questions regarding her application and prior work history. Mr. Mullins, made a motion, to grant Cristel Hibbs a conditional license, based upon reporting continuing education hours for the 2023-2024 cycle and payment of a type A civil penalty of \$4,000.00 within 24 months, while under probation (probation ending February 1, 2025). Ms. Yarbrough seconded the motion, none opposed. The motion carried.

t. Randolph Mack, LMT

A note in the State of Tennessee LARS system shows the Board received a report of inappropriate

conduct. The Office of General Counsel requests if reinstatement is submitted that he would need to appear before the board-1/31/2022. Mr. Mullins recused himself from this applicant interview. The Board asked Mr. Mack various questions regarding his licensure and conduct. Mr. Velker, made a motion, to grant Mr. Mack a conditional license based upon payment of the \$3,350.00 civil penalty (to be paid in thirty days). This will include a probationary period of three years. During this period Mr. Mack cannot own an establishment license and may only work in a licensed establishment that he will need to report to the board within thirty days of the written order (This includes Mr. Mack reporting when he leaves an establishment). Ms. Newberry seconded the motion, and with none opposed. The motion carried.

u. Robert Citarella- Freedom Massage (Deferred from May Meeting)- request to withdraw
Mr. Citarella applied for an establishment license at 2400 Madison Street, Ste 9, Clarksville, TN. Mr. Citarella indicated on his application that he owns Sunny Massage in Hoover AL. Upon reaching out to the AL Massage Board for a status verification of the license for Sunny Massage, the administrative staff was informed and provided investigation documentation showing that Mr. Citarella owned and operated without a license and also allowed unlicensed persons to work in the establishment. Mr. Citarella also indicated on the application for Freedom Massage, that he never held, nor applied for a license that has been disciplined. Mr. Citarella was not present at the board meeting. Mr. Mullins, made a motion to proceed with the applicant in his absence. Ms. Burke seconded, none opposed, the motion carried. Mr. Citarella requested to withdraw the application. Mr. Mullins, made a motion, to not allow the application to be withdrawn. Ms. Burke seconded, none opposed. The motion carried. Mr. Mullins, made a motion, to deny the application for Freedom Massage by Robert Citarella. Ms. Yarbrough seconded, none opposed. The motion carried.

Receive report and/or requests from the Office of General Counsel

- a. Contested Cases – N/A for August 8, 2022.
- b. Consent Orders
 1. Melinda Moore, LMT - After review and discussion of Melinda Moore, LMT, Mr. Mullins, made a motion, to defer the order until the November Board meeting, Ms. Burke seconded. The motion carried.
 2. Tammy Keffas, LMT - After review and discussion of Tammy Keffas, LMT order, Mr. Mullins, made a motion, to approve the order as written, Ms. Burke seconded. The motion carried.
 3. Richard Penny, Jr. - After review and discussion of Richard Penny, Jr., LMT order, Mr. Mullins, made a motion, to approve the order as written, Ms. Newberry seconded. The motion carried.
 4. Tonya Lumphrey, LMT - After review and discussion of Tonya Lumphrey, LMT order, Mr. Mullins, made a motion, to approve the order as written, Ms. Burke seconded. The motion carried.

5. Adrienne Kelley, LMT - After review and discussion of Adrienne Kelley, LMT order, Mr. Mullins, made a motion, to approve the order as written, Ms. Yarbrough seconded. The motion carried.

c. Agreed Order -
Shontrell Robinson, LMT – Ms. Jessica Turner presented the agreed to the Board. After review and discussion of the agreed order, Mr. Mullins, made a motion, to approve the order as written, Ms. Yarbrough seconded the motion, none opposed. The motion carried.

Discuss and consider request for continuing education waiver(s) –

Elizabeth Street - After review and discussion of Elizabeth Street continuing education waiver, Ms. Yarbrough, made a motion, to waive the CE requirements for the 2021-2022 cycle, seconded by Ms. Newberry. After a rollcall vote, the motion carried, Mr. Mullins abstained.

Public Comments and receive future Board and Development Committee agenda items.

Mr. Steve Summers asked if there was a way to find out what the court costs total would be so that he could pass that information on to his students. Ms. Jessica Turner explained that it is difficult to decipher how much the costs truly would be until after she has issued the Board Order. However, it is typically around \$1,000 to \$2,000 dollars.

Mr. Steve Summers requested a policy statement regarding advertisement. Unit Director Noranda French suggested waiting until after the administrative staff has had the opportunity to present a licensure day to the students/schools.

Meeting adjourned at 6:05 pm, August 8, 2022.

Any board business not concluded on Monday, August 8, 2022, will be conducted on Tuesday, August 9, 2022.

Mr. Velker called the meeting to order on August 9, 2022 at 9:00 am

Ms. Noranda French conducted a roll. All members were present, a quorum was established.

The Honorable Elizabeth Cambron, Administrative Judge presided the case of:

Anwar Diggs – Docket Number 17.49-221585A

Senior Associate General Counsel, Jessica L. Turner, presented to the Board the case of Anwar Diggs, LMT # 12907

This matter came to be heard before the Tennessee Massage Licensure Board (“Board”) on August 9, 2022, pursuant to a Notice of Charges issued against Respondent by the Division of Health-Related Boards of the Tennessee Department of Health (“State”). Presiding at the hearing was the Honorable _____, appointed by the Tennessee Secretary of State, Administrative Procedures Division. The State was represented by Jessica L. Turner, Senior Associate General Counsel. Respondent was not present and was not represented by counsel. Counsel for the State made a motion pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 4-5-309 to find the Respondent in default. In support of its motion, the State introduced evidence that Respondent was informed of the hearing date and time by certified mail and by first class mail at Respondent’s address of record that Respondent was required to keep up to date by law, as well as by email, and that the State has received communications from the Respondent acknowledging knowledge of these proceeding. By majority vote, the Board GRANTED the State’s motion to find the Respondent in DEFAULT and to conduct the proceeding without the participation of the Respondent.

After consideration of the testimony, the documentary evidence, and the record as a whole, the Board finds as follows:

FINDINGS OF FACT

1. Anwar Diggs is licensed by the Board as a massage therapist in Tennessee, having been granted license number 12907 on about May 9, 2019. Respondent’s license was summarily suspended on March 28, 2022.
2. On October 15, 2020, the Delaware Board of Massage and Bodywork revoked Respondent’s massage therapist license with the following findings:
 - a. At all relevant times, Mr. Diggs was a licensed massage therapist in the State of Delaware. As of May 9,

2019, he was also licensed as a massage therapist in Tennessee where he currently resides with his wife and children. The Hearing Officer opined that Mr. Diggs left Delaware due to the pending disciplinary complaints.

- b. In December 2018 and January 2019, Mr. Diggs was performing massages as an independent contractor at A Balanced Life Massage (“ABLM”), a massage establishment located in Wilmington, Delaware. A female client, K.M., booked a massage online with ABLM for December 20, 2018. When K.M. arrived at ABLM she was not handed any forms to complete. Mr. Diggs called her back and told her it was okay that she had not completed any “traditional pre-massage paperwork.” Such paperwork would include choosing the type of massage requested, what areas the client would like to have done and identifying places that the client does not want to be touched. The form generally used by ABLM contained nothing that would allow a client to request or consent to a therapeutic breast massage. Mr. Diggs conceded that in Delaware the client must give written consent to a therapeutic breast massage and such massage would not involve touching the nipples.
- c. Mr. Diggs told K.M. that normally he massages all over including the chest and stomach. K.M. verbally agreed, believing that he meant her upper chest and clavicle area. K.M. did not give any type of written consent to a therapeutic breast massage and her verbal agreement to have “everything” done did not constitute consent to having her breasts or other sensitive body parts touched.
- d. K.M.’s massage began with her lying on her stomach. Mr. Diggs worked on her legs and moved his hands all the way to K.M.’s upper thighs and into the groin area. He touched the seams of her underwear near her bikini area. When K.M. flipped over, Mr. Diggs held the sheet up exposing her entire body. Mr. Diggs worked on K.M.’s legs and massaged up to the top of each thigh and touched her in the groin area again. Mr. Diggs also touched K.M.’s outer vulvar area through her underwear and the skin of K.M.’s vulvar area. Mr. Diggs proceeded to work on K.M.’s upper body and pulled the sheet down exposing K.M.’s stomach and breasts. Mr. Diggs ran his hands down both of K.M.’s breasts multiple times and touched her areola and nipples. While standing behind K.M., Mr. Diggs pressed his body against K.M.’s head with an erection that she could feel through his pants. K.M. stated that the massage made her feel “dirty, disgusting, and violated.” Two months after the massage, she filed a criminal complaint against Mr.

Diggs. Mr. Diggs was charged with Unlawful Sexual Contact 3rd Degree and there is an active warrant for his arrest.

e. T.S. scheduled a couple's massage for January 24, 2019, at ABLM. T.S. completed intake paperwork and wrote "yes" in the blanks for all areas set forth on the form, including abs/stomach and pecs/chest and glutes. During the massage, Mr. Diggs moved T.S.'s arms up and down until at one point her moved her hand directly on to his groin area and penis. When T.S. realized that she had touched that area, including Mr. Digg's erect penis, she pulled away and said she was sorry. Mr. Diggs responded that he knew she was not sorry and that was okay. T.S. complained to ABLM's manager and subsequently filed a complaint with the Division of Professional Regulation and the police.

3. Mr. Diggs renewed his Tennessee license December 28, 2021. Mr. Diggs failed to report the Delaware discipline on his renewal application, instead reported his license had not been discipline in another state.

CONCLUSIONS OF LAW

The findings of fact above are sufficient to establish that grounds for discipline of Respondent's massage therapist license exist. Specifically, Respondent has violated the following statutes or rules which are part of the provisions of the massage practice act, (TENN. CODE ANN. § 63-18-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

4. The facts in paragraph two (2) constitute a violation of TENN. CODE ANN. § 63-6-120(b):

With respect to any person required to be licensed, permitted, certified, or authorized by any board, council, committee, or agency created pursuant to chapters 4, 5, 7, 9, 11 and 12 of this title, and to title 68, chapter 140, attached to the division of health related boards, such board, council, committee, or agency may deny an application for licensure, certification, permit, or authorization; permanently withhold issuance of licensure, certification, permit, or authorization; suspend, limit, or restrict previously issued licensure, certification, permit, or authorization; or otherwise discipline a holder of a license, certificate, permit, or authorization, if the applicant, licensee, or certificate or permit holder has been disciplined by another state of the United States for any acts or omissions that would constitute grounds for discipline of a person licensed, certified, permitted, or authorized in this state. A certified copy of the initial order, final order, or other equivalent document memorializing the disciplinary action from the disciplining state shall constitute prima facie evidence of a violation of this section, and shall be sufficient grounds upon which to deny, restrict, or condition the license, permit, or certificate renewal or application, and/or otherwise to discipline a licensee licensed in this state.

5. The facts alleged in paragraphs two (2) and three (3) constitute a violation of TENN. CODE ANN. § 63-18-108:
 - (6) Is guilty of willful negligence in the practice of massage;
 - (7) Has violated any of the provisions of this chapter or any substantive rule promulgated under the authority of this chapter;
 - (12) Is guilty of unethical or unprofessional conduct.
6. The facts in paragraphs two (2) and three (3) constitute a violation of TENN. COMP. R. & REGS 0870-01-.02:
 - (3) Sexual conduct, sexual activity, or sexualizing behavior involving a client is strictly prohibited at all times. A massage therapist may not initiate, arrange for, or engage in such activities, including if the client attempts to sexualize the relationship.
7. The facts in paragraphs two (2) and three (3) constitute a violation of TENN. COMP. R. & REGS 0870-01-.19(1):
 - (n) Respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and autonomy, as well as the client's reasonable expectations of professional behavior[.]

ORDER

THEREFORE, in consideration of the above Findings of Fact and Conclusions of Law, it is ORDERED, ADJUDGED, and DECREED as follows:

8. Respondent's license is hereby **REVOKED** effective the date of entry of this order.
9. Respondent shall pay one (1) Type B Civil Penalty in the amount of three hundred dollars (\$300.00), representing the penalty for falsely certifying on Respondent's license application that Respondent had not been disciplined in another state, and one (1) Type A Civil Penalty in the amount of one-thousand dollars (\$1,000.00), the out of state discipline, for a total assessment of **one thousand three hundred dollars (\$1,300.00)**.
10. Respondent must pay, pursuant to TENN. CODE ANN. § 63-1-144, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the State in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the State. The maximum amount for the assessment of costs

shall be Ten Thousand Dollars (\$10,000.00).

11. Within sixty (60) days from Assessment of Costs being sent to Respondent, Respondent must either pay the civil penalties and costs in full OR make arrangements for a payment plan with the Disciplinary Coordinator. Civil penalties and costs shall be paid by submitting a certified check, cashier's check, or money order payable to the State of Tennessee to the address below. Respondent's name and this case number must be put on the check or money order to ensure it is applied correctly: **17.49-221585A**
12. The costs and civil penalties assessed in this order must be paid in full by August 10, 2024. If Respondent enters into a payment plan, said payment plan shall accommodate the August 10, 2024 deadline for payment.
13. Proof of continuing education and payment of all fines and costs as required above must be mailed or delivery to:

**Office of General Counsel
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

or

disciplinary.coordinator@tn.gov

POLICY STATEMENT

The Tennessee Massage Licensure Board takes this action in order to protect the health, safety, and welfare of people in Tennessee. The rules require that massage therapists complete continuing education on a regular basis in order to maintain their competence and to keep abreast of changing professional standards. This massage therapist was disciplined for sexual misconduct in Delaware and failed to disclose said discipline on his Tennessee licensure application. Given Respondent's conduct, the Board is revoking Respondent license. The civil penalties in this order are also appropriate due to Respondent's failure to comply with the Board's rules.

Findings of Fact - After review of documents and testimony, Mr. Mullins made a motion to approve the Findings of Fact as written, seconded by Ms. Yarbrough. The motion carried.

Conclusions of Law – Mr. Mullins, made a motion, seconded by Ms. Newberry, to approve the Conclusions of Law, as written. The motion carried.

Order – Ms. Yarbrough, made a motion to accept the proposed Order as written, seconded by Ms. Burke. The motion carried.

Policy Statement – Ms. Yarbrough, made a motion, to approve the policy statement as written, seconded by Ms. Newberry. The motion carried.

Break: 3:11 – Reconvene 3:31

Mr. Velker called the meeting to order.

Ms. Noranda French conducted a roll. All members were present, a quorum was established.

Senior Associate General Counsel, Jessica L. Turner, presented to the Board, the case of:

Joshua C. Hill, LMT, License Number 11696 – was not present . Mr. Mullins, made a motion, to precede with order in default, seconded by Ms. Yarbrough. The motion carried.

After review of documents and discussion the license was Suspended; must submit twenty-four (24) deficient continuing education hours for the 2017-2018 cycle, plus six (6) penalty hours, with two (2) hours pertaining to statutes and rules, and two (2) hours pertaining to practice management, ethics, or substance abuse; suspension to lift with three (3) year probationary period with compliance; must submit proof of compliance with continuing education cycles throughout probation period; assessed civil penalty of \$1,500, plus costs not to exceed \$5,000.

Findings of Fact - Mr. Mullins, made a motion, to accept the Findings of Fact with corrections, seconded by Ms. Yarbrough. The motion carried.

Conclusion of Law – Mr. Mullins, made a motion to accept the Conclusions of Law as written, seconded by Ms. Burke. The motion carried.

Order – Mr. Mullins, made a motion, to approve the Order with corrections, seconded by Ms. Yarbrough. The motion carried.

Policy Statement – Ms. Yarbrough, made a motion, to accept the Policy Statement as written, seconded by Ms. Burke. The motion carried.

Senior Associate General Counsel, Jessica L. Turner, presented to the Board, the case of:

Kevin Ray Lankford, LMT, License Number 3710 – was not present - Ms. Yarbrough, made a motion, to precede with the order in default, seconded by Ms. Burke. The motion carried.

After review of documents and discussion the license was Suspended; must submit twenty-four (24) deficient continuing education hours for the 2017-2018 cycle, plus six (6) penalty hours, with two (2) hours pertaining to statutes and rules, and two (2) hours pertaining to practice management, ethics, or substance abuse; suspension to lift with three (3) year probationary period with CE compliance; must submit proof of compliance with continuing education cycles throughout probation period; assessed civil penalty of \$1,500, plus costs not to exceed \$5,000

Ms. Burke, made a motion, to accept the Final Order with corrections, seconded by Ms. Yarbrough. The motion carried.

Lunch Break for 30 minutes.

Meeting Reconvened at 5:05

Mr. Velker called the meeting to order. Ms. French conducted a roll call, all members were present, and a quorum was established.

Recap of OGC Report

Ms. Jessica Turner presented the OGC report as follows:

Litigation:

The Office of General Counsel currently has approximately 80 open cases to the Massage Licensure Board. Today, there are 5 consent orders for entry, 1 agreed order for entry, and 4 contested final hearings.

Rulemaking:

The reciprocity licensure rule revisions are in the drafting stages.

Legislation:

Nothing to report.

Discuss and take action on school approvals and /or program changes if necessary.

Ms. French stated that the administrative office has had difficulty getting transcripts from Concorde South Haven location that properly show the exact same curriculum as the Memphis location. Ms. French asked the Board if the administrative office could discontinue receiving transcripts until the school, and remove them from the approved website until the Registrar's Office can get on track.

Mr. Mullins, requested the Administrative Office to send a formal letter that the school must stay on track.was or risk being removed from the Board's website.

Review, discuss, and take action, if necessary, on the update provided to the Board regarding NCBTMB's criteria for approval for distance learning classes.

The Defer until November board meeting.

Review, discuss, and take action, if necessary, on the change to the recent lapsed license policy/ therapist working in unlicensed establishment policy.

Ms. Turner stated that she made a mathematical error and would like to update the policy and will bring before the Board at the November board meeting.

Review, discuss, and take action, if necessary, on the policy that the Board approved regarding distance learning.

Ms. French stated that at the last board meeting, the Board rescinded the distant learning policy which allowed up to 40 percent of distant learning to be taken online. Ms. French stated that the amended policy now in place has a barrier on the reciprocity applicants. Ms. French asked the Board to reconsider the policy.

Ms. Jessica Turner offered to add an administrative update to the policy and reimplement it within a few days to the Board's website.

Public Comments were made by the following individuals.

Mr. Charles West contributed his concerns to the Board regarding the core curriculum and law classes.

Mr. Adam Whitehead contributed his concerns to the Board regarding the core curriculum and law classes.

Mr. Steve Summers contributed his concerns to the Board regarding the core curriculum and law classes.

Mr. Mullins, made a motion, seconded by Ms. Vickers, to approve Ms. Jessica Turner to add an administrative update to the policy. The motion carried.

Review, discuss, and take action, if necessary, on the Task Force's update regarding the remediation process for Tennessee Massage Board School's Annual Reports that fall below the required 70% exam pass rate.

Mr. Mullins commented that the Task Force members exchanged some ideas and that one of the comments is that, it is the students responsibility pass the test, and that it is up to the schools to provide the students with the right education.

Review, discuss, and take action, if necessary, on a proposed rule change to clarify when the required two-hour TN Law class must be completed for establishment owners and responsible person for renewal.

Nothing to discuss at this time.

Discuss and take action if needed regarding rulemaking hearings, rule amendments, and policies

Mr. Velker stated that the Board and Task Force are currently working to update rules.

Public Comment from Mr. Adam Whitehead - asked that the license holder let the Board know when the responsible person leaves an establishment within 30 days.

Public comment from Charles West - regarding who the responsible person is when they leave an establishment.

There were comments that this subject was not properly Sunshined and the subject should be added to the February 2023 agenda.

Ms. French announced that Ms. Yarbrough and Mr. Mullins have been reappointed through 2026.

Adjourn:

Mr. Mullins, made a motion to adjourn the board meeting at 3:34 pm

THESE MINUTES WERE RATIFIED AT THE NOVEMBER 3, 2022 BOARD MEETING