

Minutes
Tennessee Massage Licensure Board
November 9, 2020

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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
Ruth Stewart, Board Administrator

Ms. French went over the requirements for an electronic meeting and conducted a roll call to establish that all Board members could hear and communicate with each other. A motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to conduct the meeting electronically. The motion carried.

The meeting was called to order at 9:06 a.m. by Ms. Marvis Burke, Chairperson. Ms. Burke acknowledged and thanked the therapists, schools, and students joining the meeting by WebEx. Ms. Burke stated that for members of the public who wished to speak at the meeting, they should use the WebEx function to raise their hand so that Ms. Burke could call on them after the appropriate agenda item. 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.

Receive, discuss, and/or update Board on new business in the Administrative Office

Review, discuss, and sign the Conflict of Interest Documents- Time: (00:14:45)

Mr. Guilford went over with the Board what is considered a conflict of interest and what should occur if any member feels they have a conflict of interest at any time during a meeting. Ms. Kimberly Hodge stated that she would email out the conflict of interest documents to the Board members after the meeting for them to sign and return to the Board office. Mr. Marc Guilford stated that he would be available for any questions from the Board members about the document.

Massage School Annual Reports & Continuing Education Policy- Time: (00:18:28)

Ms. Hodge stated that there has been some delay in getting information from the FSMTB for the schools' annual reports. The FSMTB has told Ms. Hodge that the information should be available by December 1, 2020. If it is not available by that time, Ms. Hodge and Mr. Guilford will discuss what can be done to accommodate the schools. More information will be provided to the schools by email by the administrative office at the beginning of December 2020 if the FSMTB is still unable to provide the needed information to the schools to complete their annual report.

Ms. Hodge reminded everyone on the call about the Board's policy regarding continuing education during the 2019/2020 cycle, which has been altered for this cycle only due to the COVID-19 pandemic. This policy is posted on the home page of the Board's public website, and it reads:

“When audited for compliance with the 2019-2020 CE cycle, licensees will not be marked noncompliant due to obtaining more than 8 hours of continuing education in a multi-media format. Furthermore, due to the COVID-19 pandemic and related challenges, any licensee found noncompliant with the 2019-2020 CE cycle will only be sent a letter of warning; the Board will not seek to assess civil penalties or require licensees to make up their hours.”

Ms. Hodge emphasized that this policy does not exempt any licensed massage therapist from completing all the required continuing education hours as required by the Board's Rules, and continuing education audits will still be conducted. The changes allow more hours to be completed online or by other distance learning formats and limit any discipline as a result of an audit to a letter of warning. Ms. Hodge asked that schools and continuing education providers emphasize this to their students to avoid any confusion about the policy.

CE Registry & CE Broker- Time: (00:23:00)

Ms. Hodge emphasized that it is the massage therapists' responsibility to retain records of their continuing education, and that CE Broker is a means to store and report their continuing education to the Board. CE Registry is for CE providers to have course approved on a national level.

There was no public comment on this item.

Approve the minutes from the August 11 and 12 2020 Board meetings- Time: (00:25:29)

A motion was made by Dr. Bolden, seconded by Mr. Velker, to approve the August 11 and 12, 2020 minutes as written. Ms. Hodge conducted a roll call vote. The motion carried.

Receive reports and/or requests from the Board Director/Manager- Time: (00:26:55)

Administrator/Director’s Report- Time: (00:28:20)

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 November 4, 2020, there were 4,483 licensed massage therapists and 1,656 licensed massage establishments. Following is the license status since the last meeting:

THERAPISTS

August 2020

Newly Licensed –45
Reinstate Applications–10
Retired-19
New Applications-43

ESTABLISHMENTS

August 2020

Newly Licensed –19
Reactivation Applications–2
Retired –11
New Applications-19
Address/ Responsible Person Change Application-5

THERAPISTS

September 2020

Newly Licensed –55
Reinstate Applications–13
Retired-17
New Applications-32

ESTABLISHMENTS

September 2020

Newly Licensed –23
Reactivation Applications–4
Retired –9
New Applications-34
Address/ Responsible Person Change Application -8

THERAPISTS

October 2020

Newly Licensed –24
Reinstate Applications –10
Retired-12
New Applications-35

ESTABLISHMENTS

October 2020

Newly Licensed –25
Reactivation Applications –3
Retired –5
New Applications-10
Address / Responsible Person Change Application-3

In October, 114 licensees renewed their licenses via the website for a usage rate of 71%.

The Board had no questions or comments regarding the report.

Investigation/Disciplinary Report- Time: (00:30:16)

Ms. Lori Leonard of the Disciplinary Coordinator's office brought this report.

For the year of 2020, as of October, Investigations had received a total of 66 new complaints opened for massage therapists. Of those complaints, 8 were for sexual misconduct; 1 for action in another state; 2 for criminal charges; 4 for unlicensed practice; 16 for unprofessional conduct; 3 for lapsed license; 1 for criminal conviction; 1 for mental and/or physical impairment; 28 for continuing education violation; 1 outside of the investigative scope; and 1 for COVID 19 pandemic violations.

Ms. Leonard explained that the new COVID - 19 code covers any complaints received about a massage therapist who were practicing during the time that the Executive Order was in place restricting massage therapy from being able to practice.

For the year of 2020, as of October, Investigations had closed a total of 29 complaints for massage therapists. Of those complaints, 2 were closed with insufficient evidence to formally discipline; 11 closed and sent to the Office of General Counsel for formal discipline; 7 closed with no action; 2 closed with a letter of concern; and 7 were closed with a letter of warning. As of October 2020, Investigations had 62 open complaints for massage therapists.

For the year of 2020, as of October, Investigations had received a total of 23 new complaints for massage establishments. Of those complaints, 3 were for sexual misconduct; 5 for unlicensed practice; 9 for unprofessional conduct; 3 for lapsed license; and 3 were outside the investigative scope.

For the year of 2020, as of October, Investigations had closed a total of 19 complaints for massage establishments. Of those complaints, 6 were closed with insufficient evidence to formally discipline; 6 closed with no action; 2 closed with a letter of concern; and 5 closed with a letter of warning. For the year of 2020, as of October, Investigations had 45 open complaints for massage establishments.

As of October 2020, Investigations was currently monitoring 29 massage establishments. Investigations was currently monitoring 21 massage therapists under reprimand; 63 under probation; 30 under suspension; 21 under revocation or surrender; and 3 under child support violations.

Ms. Leonard noted that the spreadsheet she provided the Board noted which accounts have been sent to collections, or if at or over \$2,000.00, to the Attorney General's office.

The Board had no questions for Ms. Leonard.

Financial Report- Time: (00:37:50)

Ms. Alicia Grice, Fiscal Director for Health Licensing and Regulation, brought this fiscal year-end report.

For fiscal year (FY) 2020, which ran from July 1, 2019 to June 30, 2020, the Board received a total \$678,924.58 in revenue. The Board had total expenditures of 725,310.13, leaving a negative net balance of \$46,385.55. This negative balance was significantly lower than for the previous FY 2019, which was a negative balance of \$117,675.10, and lower than FY 2018, which was a negative balance of \$83,148.84. The cumulative carryover for FY 2020 was \$667,590.57.

Ms. Grice noted that the Board's expenditures are down across the board, but revenue had also slightly decreased. Ms. Grice also noted that most of the Board's revenue came from renewal fees. Ms. Grice explained the procedure for determining whether the Board would need to reduce fees due to the carryover amount and stated that at this time no such recommendation would be made. Ms. Price stated that despite expenditures being significantly down, since the Board was still in the red for FY 2020, they would have to come before the legislature again. Ms. Price also explained about how and when funds would go into the carryover account, and how and when the carryover can be used. There was much discussion about the need to raise fees, and the work that the Board had already done towards that goal.

The Board heard from Mr. Guilford about the rulemaking hearing to increase fees. Mr. Guilford stated that his office seems to be on target to have that rulemaking hearing in February 2021, using all available information including updated financial numbers. The Board heard from Ms. Hodge about inspections being done through the office of investigations. Mr. Guilford further clarified that in-person inspections, along with phone and video meetings, are being done through Investigations. Mr. Guilford noted that earlier in the year, due to COVID 19, in-person inspections had been temporarily halted. Ms. Hodge stated that the Board's Investigations expenditures may be expected to go up as more inspections are conducted.

Continuing Education Audit Report – Time: (59:00)

There was no continuing education audit report at this meeting.

Discuss Legislation – Time: (59:08)

There was no discussion of any legislation at this meeting.

Tennessee Professional Assistance Program (TnPAP) Statistical Report regarding the Peer Assistance Program – Time: (59:28)

This report was brought by Ms. Teresa Phillips, Associate Executive Director of TnPAP.

Massage Licensure Board
ACTIVITY REPORT

July 1, 2020–September30, 2020

	Massage Therapists	Establishments
Monitoring	3	0
Participation Type		
Regulatory	1	0
Non-regulatory	2	0
Referrals	1	0
Referral Source		
MLB administrative office	1	0
Referral Reason		
Arrest History	1	0
Agreements Activated	0	0
Discharges	1	0
Discharge Reason		
Evaluated; no monitoring recommended	1	0

There were no public comments on this item. The Board had no questions for Ms. Phillips.

Ratify Agreed Citations for Continuing Education Violations & Lapsed Licenses- Time: (1:01:20)

Cynthia Lillian Jasper, LMT #7674

Ms. Jasper agreed to pay civil penalties totaling \$525.00 for failure to obtain fifteen (15) hours of continuing education during the cycle of 2017/2018.

Yueping Liu, LMT #11471

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

Pamela Gayle Marsee, LMT #10847

Ms. Marsee agreed to pay civil penalties totaling \$425.00 for failure to obtain eleven (11) hours of continuing education during the cycle of 2015/2016.

Melissa M. Parkerson, LMT #6744

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

Tonya Lynn Richardson, LMT #8045

Ms. Richardson agreed to pay civil penalties totaling \$175.00 for failure to obtain one (1) hour of continuing education during the cycle of 2017/2018.

Amy Beth Sherman, LMT #10358

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

Stacey Kimberly Fernandez, LMT #1490

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

Daley Katherine Gold, LMT #12767

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

George Barclay Graves, LMT #10392

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

Stanley Clyde Kinnett, LMT #6667

Mr. Kinnett agreed to pay civil penalties totaling \$1,100.00 for practicing on a lapsed license for eleven (11) months.

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to ratify all agreed citations for continuing education violations & lapsed licensed. A roll call vote was conducted by Ms. Hodge, and the motion carried.

Ratifications

New Licenses

Massage Therapists

Armstrong Whitney Rae	Duran Cathrine Marie
Arnwine Kyisha Danielle	England Jessaca Marie
Barbour Jill Renee	Finnerty Dessa May
Barnes Rachel Crawford	Ford Alitha Drew
Beals Angela Marie	Gardner Morgan Paige

Beddow Halle Michelle	Gardner Sarah Noelle
Belcher Madison Mckenzie	Garrison John Aaron
Black Victoria Dawn	Hamby Benita Faye
Bron Wilma	Hankins Lereshe Shanta
Bryant Jennifer Darlene	Harry Jade Mercedes
Bybee Taelar Marie	Havrilla Rebakah Lauren
Cajka Jessica Lee	Hayes Victoria Agnes
Caldemeyer Elizabeth Suzanne	Heider Robert Paul
Carles Janene Cheree	Hendrick Autumn Darla
Carlton Cristana Carmen	Hepburn Jory Lynn
Chambers Molly Grace	Hutson Allie Shae
Cheek Allyson Kathleen	Ivey Mary Katherine
Clarke Audrey Cecelia	Kershner Rachele Lee
Cleer Brendon Kile	Kitzmilller Michelle Ann
Click Kyra Lenora	Lagesse Michaela Shae
Closson Renee Lynn	Legrone Kimberly Dawn
Conard Makenzie Cayle	Lehr Jessica Megan
Cotten Taylar Corrina	Lutz Amanda Paige
Dawson Amy Louise	Lyle Margaret Louise
Decker Casey Jeanne	Markham Delaney Reid
Dee Lachlan	Massie Heather Marie
Dominick Sonya Marie	Mccarter Melanie Michelle
Mcclain Hali Elizabeth	Scroggin Mysha Shone
Mcgough Ryan James	Segar Mackenzie Anne
Mcquoid Cassandra Beth	Smith Lakeesha Janai
Miller Bethany Ann	Sovia Harmony Ann
Miller Kelli L	Stafford Emily Anne
Moenkhaus Melissa Yvonne	Steele Rebecah Kayleen
Montague April Marie	Svensson Daniel Hakan
Moore Denise Danielle	Swift Tia Nicole
Mutton Samuel Adam	Taylor Amy Nicole
Nawrocki Gioia Jacqueline	Thomas Rebecca Sue
Nguyen Jitpisot Jumnongjit	Tobias Angela Lynn
Oliver Sarah Jane	Warson Shauna Marie
Olson Karisse Noelle	Wedekind Wanda Gail
Parker Noah Lane	White Jenna Marie
Patterson Leshia Anne	Williams Alexandra Katherine
Poland Amy Darlene	Williams Braidy Joy
Powell Melissa J	Willis Jennifer Amber
Richards Courtney Branton	Wilson Solymar Silva
Rogers Barbara Ann	

Rogers Caleb Canada	
Rollins Ashli B	

Massage Establishments

A Conscious Life Massage	Danielle Tursky Lmt
Ahimsa Wellness	Dapper Salon
All People Massage Therapy	Elite Therapeutics Llc
Amanda Buell Lmt	Equalize Sports Massage & Personal Training
Amazing Massage	Helping Hands Massage Therapy
Angelic Nails & Spa	Holistic Harmony And Health
Angie Gray Lmt	Hush Wellness Massage
April Montague Lmt	Just B Massage Therapy
Art To Zen	Kneaded Renewal
Beautiful Day Spa	Life Line Werks
Bee Well Day Spa	Lotus Therapy
Blissful Body Therapy	Magnolia Salon & Spa
Caring Touch	Melthouse Massage
Chattanooga Spa	Mindful Massage By Heather
Crystal'S Body Shop Llc	My Massage Therapist
	Nikki'S Massage At The Salon On 58

Oak Ridge Sports & Therapeutic Massage
One Massage
Poplar Creek Spa
Pure Touch Massage
R+R Wellness
Rachel Garis Healing Arts
Rainbow Spa Llc
Renewal Massage Therapy
Revive Day Spa
Royal Massage And Yoga Lounge
Self'S Family Market
Serendipity Massage And Wellness
Simply Therapeutic Massage Llc
Solstice Massage Therapy & Wellness
Spavia Bellevue
Synergy Massage Therapy
Teased Salon

The Body Project
The Now Massage Boutique Franklin
The Organic Health Spa Llc
The Zen Studio
Under Pressure Massage
Victoria'S Massageology
Wild Honey Beauty Co.
Willow Moon Spa
Willow Salon And Massage
You Relax.... lmassage

Reinstatements

Massage Therapists

Bickert Sherry Anne	Gold Daley Katherine
Boyce Sherry Annette	Goodgine Donna Faye
Cunningham Marlana Darcel	Graves George Barclay
Fernandez Stacey Kimberly	Hull Paul Boggan
Fitton Monique Farrell	King Shuntrell Monique
Gillard Tanika Annette	Kinsey Kayla M.
Kohl-Carter Marjorie Ann	
Martinez Cayla Andrea	
Mcclure Tiquisia Mechelle	
Metzinger Melinda J.	
Penny Ross Vincent	
Serra Emily Lauren	
Smith Amanda Jean	
Steele Russell Wayne	
Storms Huey Eugene	
Taylor Anna Marie Ball	
Thompson Bradley Lavern	
Young Lakesha Willet	

Massage Establishments

Arc Massage Therapy
Bliss Integrated Bodywork
Body & Soul Massage
Body Ritual
Centered Spine & Joint

Harmonic Bloom Massage
Optimum Health
Pauline Diaz-Borg
Pender Therapeutic Massage
Phoenix Massage Therapy
The Iaomai Center Llc Db Tactionrx

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to ratify the approved new and reinstated massage therapist and massage establishment licensed. A roll call vote was taken, and the motion carried.

Ratify, discuss, and approve/deny continuing education courses for 2021/2022- Time: (01:03:36)

Dee Vickers, LMT – “Tennessee Massage Law” (Live Webinar), 2 hours, Course #TN010121-1

Dee Vickers, LMT – “Tennessee Massage Law”(Live In-Person), 2 hours, Course #TN010121-2

D. Scott Bailey, LMT – “Tennessee Law and Rules”, 2 hours, Course #TN010121-3

Charles West, LMT – “Tennessee Massage Law for Tennessee Massage Licensed Massage Therapists and Massage Establishment Owners” (Live Webinar), 2 hours, Course #TN010121-5

A motion was made by Dr. Bolden, seconded by Mr. Mullins, to ratify the approved continuing education courses. A roll call vote was conducted by Ms. Hodge, and the motion carried.

Discuss services currently provided through TnPAP contract- Time: (01:05:15)

The Board heard from Maj-Lis Nash. Ms. Nash spoke to the Board about the cost of TnPAP services, and questioned TnPAP’s requirement for the applicants to have \$800.00 up front for initial evaluation and drug testing. Ms. Nash stated that this was an unfair burden to the applicants, and that she feels that other providers are equally qualified to provide TnPAP’s services at lower cost.

The Board heard from Ms. Hodge, Mr. Guilford, Mr. Steve Sommers, and Mr. Harkreader of TnPAP. Mr. Harkreader explained the complexity of the evaluations and drug testing involved, and that they are more extensive than the ones Ms. Nash priced throughout the state. Mr. Harkreader stated that in addition to the face to face evaluation, the TnPAP evaluator does additional research including reviewing legal records and interviewing additional people about the client’s situation, including previous employers and previous mental healthcare providers. Ms. Nash stated that her concern was primarily about transparency, and that schools should be provided with more information about the services and costs through TnPAP. Ms. Hodge offered

to post more detailed information about costs involved with the TnPAP process on the Board's website, with input from TnPAP. Mr. Guilford spoke to his legal experience with the differences between court ordered DUI evaluations and the Department's peer assistance program evaluations, in that the purpose of the peer assistance program evaluation is to determine safety to practice. Mr. Sommers spoke as a licensed massage therapist and a licensed marriage and family therapist about how involved and time-consuming for a therapist a TnPAP evaluation was.

Ms. Hodge stated that the administrative office usually sends to TnPAP applicants with recent or multiple criminal convictions. Ms. Hodge explained that the office requires a state and federal criminal background check on each applicant, as well as final disposition court documents and letters of explanation for each charge, and that a decision to send an applicant to TnPAP is made based on all of that documentation.

No further action was taken.

Applicant Interviews- Time: (02:00:05)

Ms. Burke announced that Ms. Jiao Hoggard would be the Mandarin translator for the applicant interviews at this meeting, and thanked Ms. Hoggard.

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

Li Tong Therapy LLC DBA Lily Massage – Li Wang, LMT- Time: (02:09:25)

Ms. Wang applied for two massage establishment licenses for Li Tong Therapy LLC DBA Lily Massage at 156 N Belvedere Drive in Gallatin TN and 714 Nashville Pike in Gallatin TN., and was present with her attorney, Ms. Vivian Wang. Ms. Wang came before the Board in August 2020 and was directed to resubmit new establishment applications that were completely and correctly filled out to be reviewed at the November 2020 meeting. Ms. Wang applied for the licenses in the name of her LLC- Li Tong Therapy LLC. She had not hired any massage therapists at the time of the meeting, but states that she will add them to the license once it is approved and they are hired. The Board was concerned about Ms. Wang's association with previous owners of establishments at this location, including Ms. JianPing Li, who had been previously denied by the Board under the establishment name of Daily Spa. The Board was also concerned that Ms. Wang appeared to live out of state but was going to be responsible for a Tennessee massage establishment. The Board heard from Ms. Wang, Ms. Hodge, Ms. Vivian Wang, and Mr. Guilford. After much discussion, a motion was made by Mr. Velker to approve Ms. Wang's application for both locations. Mr. Velker amended his motion to approve Ms. Wang's application for the massage establishment license at 714 Nashville Pike in Gallatin. The motion was seconded by Mr. Mullins. A roll call vote was conducted by Ms. Hodge. The motion carried. A motion was made by Mr. Velker, seconded by Mr. Mullins, to approve Ms. Wang's application for the massage

establishment license at 156 N Belvedere Drive in Gallatin. A roll call vote was conducted by Ms. Hodge. The motion carried.

Massage Lendora – Jia Chia, LMT -Time: (03:43:17)

Ms. Chia applied for a massage establishment license for Massage Lendora at 639 President Place, Smyrna TN, and was not present at this meeting. A motion to proceed in default of absence made by Dr. Bolden and seconded by Mr. Mullins. Ms. Chia is applying for initial licensure of Massage Lendora at 639 President Place, Smyrna TN 37167. Ms. Chia is a licensed Massage Therapist (LMT 10677) with no prior discipline. There is currently an establishment license in place at 639 President Place for Foot Massage Zendora (ME 3989) under Ms. Yingyan Wu. Massage Zendora was raided by Smyrna P.D. in August 2020. This license for Zendora renewed 05/04/2020 and has an expiration of 06/30/2022. Ms. Jia Chia was listed on the renewal as an employee. The home address Ms. Chia listed on her application is also the same home address as Ms. Wu. A telephone call was received from Ms. Chia at the Massage Board office on 09/30/20 requesting withdrawal of her application because she had changed her mind after getting the invite letter to the November Board Meeting. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to deny Ms. Chia's application. A roll call vote was conducted by Ms. Hodge. The motion carried.

Impression Spa DBA Impression Spa – Xiuzhen Huang, LMT and Meijuan McColligan, LMT – Time: (03:48:20)

Ms. Xiuzhen Huang (LMT 11351) and Ms. Meijuan McColligan (LMT 11528) applied for a massage establishment license for Impression Spa DBA Impression Spa at 3441 Lebanon Pike Ste 106, Hermitage TN, and were present at this meeting. Ms. Huang and Ms. McColligan are applying for Establishment licensure at 3441 Lebanon Pike Ste 106, Hermitage TN 37076. Both applicants are licensed Massage Therapist without discipline on their personal license. Ms. Huang was previously denied in November 2018 a Massage Establishment license for Lucky 7 Healing Center at 120 Seaboard Ln. Ste A, Franklin, TN 37067. The Board denied the application based on allowing unlicensed persons to practice in the Establishment. Ms. McColligan previously worked at Healing Care Center at 915 Harpeth Valley Place, Nashville TN for Yuanjie Yang, and that Establishment license was revoked by the Board in February 2020 for allowing unlicensed practice at the establishment. Upon being investigated and finding unlicensed therapist in Ms. Yang's establishment, Ms. McColligan then immediately applied for the Establishment license at the same location and was granted licensure. Ms. McColligan retired the Establishment license on March 2, 2020. The Board heard from Ms. Huang, Ms. McColligan, Ms. Hodge, and Mr. Guilford. After some discussion, a motion was made by Mr. Velker, seconded by Dr. Bolden, to deny Ms. Huang's and Ms. McColligan's application for a massage establishment license based on TN 63-18-108 (9) and (12). After much further discussion, a roll call vote was conducted by Ms. Hodge. The motion carried.

Asian Foot Massage Studio – Jian Peng Chen, LMT -Time: (04:30:00)

Mr. Jian Ping Chen applied for a massage establishment license for Asian Foot Massage Studio at 7424 US Highway 64, Unit 123, Bartlett TN and was present at this meeting. Mr. Chen is also the Owner/Responsible Person of Asian Massage Studio (ME 5516) at 6090 Stage Rd, Bartlett, TN which was licensed in January 2020. Mr. Chen is a licensed Massage Therapist (LMT 13006) with no discipline on his license. He is the only Massage Therapist listed as working in both locations. Advertisements observed while reviewing the current application showed that the location was open and accepting appointments before being approved. Appointment choices on the website for the type of Therapist were between male, female or both. The operating hours for both locations are during the same exact times. The Board heard from Mr. Chen, Ms. Hodge, and Mr. Guilford. After much discussion, a motion was made by Mr. Mullins, seconded by Mr. Velker, to approve a conditional massage establishment license for Mr. Chen. The Board placed the following conditions on the establishment license: Probation for 1-year, quarterly reporting of LMTs at Establishment, two Class B Misdemeanor Civil Penalties of \$250 each; to be paid within 3 months, and an additional 2hr Law course to be completed with a translator. A roll call vote was conducted by Ms. Hodge. The motion carried.

The Board took a brief break. When they returned, Ms. Hodge conducted a roll call. All members were present, and a quorum was re-established.

Dongmei Li- Time: (05:23:50)

Ms. Li applied for a massage therapist license and was present at this meeting. Ms. Li had a Tennessee massage therapist license #11291 which was revoked by the Board at their February 7, 2017 meeting due to her MBLEx scores being invalidated by the FSMTB in 2016 because Ms. Li was not able to provide verification of an education from Academy of Health and Beauty when the FSMTB audited her education. Her Wisconsin massage license is currently in voluntary surrender status due to this invalidation of her MBLEx scores. In Ms. Li's initial Tennessee application submitted in August 2015, she stated that she had graduated from Rosel School of Massage Therapy in Chicago, IL, but listed Academy of Health and Beauty on her MBLEx scores. Ms. Li completed her 5-hour TN law course at Brightness-Massage School for the Blind in Memphis, TN. Ms. Li has now graduated from Greater DFW International Massage Academy in Plano, TX, and has re-taken and passed the MBLEx exam. The Board heard from Ms. Li, Ms. Hodge, and Mr. Guilford. The Board heard that Ms. Li had not complied with the Board order that revoked her Tennessee massage therapist license, since she had not paid costs that were assessed in that order. After some discussion, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to deny Ms. Li's application based on non-compliance with a Board order. After further discussion, Ms. Hodge conducted a roll call vote. The motion carried.

Jenny Yi, MT- Time: (05:58:50)

Ms. Yi applied to reinstate her massage therapist license and was not present at this meeting. A motion was made by Mr. Mullins, seconded by Dr. Bolden, to proceed in Ms. Yi's absence. A roll call vote was conducted by Ms. Hodge. The motion carried. Ms. Yi's previous reinstatement application was denied by the Board at their February 8, 2016 meeting based on evidence that she

failed to obtain the required CE hours in the 2009/2010 and the 2013/2014 cycles. Ms. Yi failed to submit the required number of CE hours to show compliance for her previous violations. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to deny Ms. Yi's application for reinstatement of her massage therapist license based on noncompliance in her continuing education. A roll call vote was conducted by Ms. Hodge. The motion carried.

Delisea Trayon Boyd, MT- Time: (06:36:52)

Ms. Boyd applied to reinstate her retired massage therapist license and was present at this meeting. At the time her license was retired, there was a case pending in the Office of General Counsel regarding her 2011/2012 CE audit. Ms. Boyd had not sent in any of her hours for that audit. The Board heard from Ms. Boyd, Ms. Hodge, and Mr. Guilford. After much discussion, a motion would made by Dr. Bolden, seconded by Ms. Yarbrough, to approve a conditional reinstatement of Ms. Boyd's license, allowing her 6 months to pay civil penalties of \$775.00 and to complete the continuing education to comply with her previous agreed citation. A roll call was conducted by Ms. Hodge, and the motion carried.

Kayla Breonna Longmire- Time: (06:52:11)

Ms. Longmire applied for a massage therapist license and was present at this meeting. Ms. Longmire was invited to the August 11, 2020 Board meeting due to her criminal charges, and her written explanation of those charges. Ms. Longmire did not appear at that Board meeting. The Board chose to defer her application to the November 9, 2020 Board meeting to allow Ms. Longmire additional time to contact TnPAP for their assistance. The Board heard from Ms. Longmire, Mr. Harkreader from TnPAP, Ms. Teresa Phillips of TnPAP, Ms. Hodge, and Mr. Guilford. After much discussion, and hearing that Ms. Longmire had not had an evaluation at TnPAP, a motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to defer Ms. Longmire's application to the February 2021 Board meeting to allow Ms. Longmire time to get an evaluation through TnPAP, with the understanding that if she does not do this by that meeting, her application will be denied at that meeting. A roll call vote was conducted by Ms. Hodge, and the motion carried.

A Peaceful Escape Massage – Tracey Howell, LMT- Time: (07:36:55)

Ms. Howell is applying for licensure at 114 South 2nd Street, Selmer, TN 38375 and was present at this meeting. Ms. Howell previously applied for Massage Establishment licensure and was denied at the February 2018 meeting. The decision to deny the application was based on evidence of advertisement, operation and practicing massage therapy in an unlicensed establishment for a significant amount of time in 2016 and 2017. In addition to the Establishment application being denied, Ms. Howell's massage therapist license (LMT 11346) was placed on probation for one year and she was assessed \$1150 in civil penalties plus costs. All costs have been paid by Ms. Howell. This application is being brought before the Board due to the previous denial. The Board heard from Ms. Howell. A motion was made by Dr. Bolden and seconded by Mr. Mullins to

approve Ms. Howell's application for a massage establishment license. A roll call vote was conducted by Ms. Hodge and the motion carried.

Sable Ownby Massage & Wellness – Sable Ownby, LMT- Time: (07:42:34)

Ms. Ownby applied for a massage establishment license for Sable Ownby Massage & Wellness at 541 Belle Avenue, Sevierville, TN. and was present at this meeting. She is a massage therapist with no prior discipline on her license (LMT 8903). Review of the application revealed the business is open and offering massage. Subsequent reviews showed the same on September 9 and October 6, 2020. When asked about the business being open, Ms. Ownby stated that she was only practicing esthetic services and not massage, which is contrary to reviews shown online on September 9. Ms. Ownby requested a refund of her application fee on August 6, 2020, which has prompted referral for Board review of her application due to the Criminal Background check explanation and disposition of charges not received and services being offered. Her criminal background check includes a November 2019 DUI, reckless endangerment, resisting arrest, and other charges. The Board heard from Ms. Sable and Ms. Hodge. After some discussion, a motion was made by Ms. Vickers to defer Ms. Ownby's application to the February 2021 meeting to allow Ms. Ownby to complete the application. Dr. Bolden raised the point of order about Ms. Ownby practicing massage at an unlicensed application. After further discussion, and hearing from Ms. Hodge and Mr. Guilford, a motion was made by Ms. Yarbrough, seconded by Mr. Mullins to deny Ms. Ownby's application for a massage establishment license. Mr. Mullins added a friendly amendment to open a case on Ms. Ownby's massage therapist license. A roll call vote was conducted by Ms. Hodge. The motion carried.

Karen Elizabeth Hall- Time: (08:11:00)

Ms. Hall applied for a massage therapist license and was present at this meeting. Ms. Hall stated on her application that she worked as a massage therapist in Louisiana in Metairie Chiropractic & Rehab from September 2018 to April 2019 without holding a Louisiana massage therapist license. When asked to explain, she first stated that she had learned from the Louisiana massage board as she was going through their licensure process that if she practiced in a chiropractor's office, she did not need to have a massage therapist license. When the administrative office asked her to provide evidence that at that time, practicing massage without a license in a chiropractor's office was legal in Louisiana, she stated that she could not provide that evidence. Ms. Hall then stated that she had only been told by other massage therapists that this was legal, and that the chiropractor she worked for said it was legal. On advice of OGC, Ms. Hall is coming before the Board because illegal practice in Louisiana could be viewed as evidence of unethical behavior or a propensity to disregard the practice act and the rules. The Board heard from Ms. Hall and Mr. Guilford. After much discussion, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve Ms. Hall's application for a massage therapist license. A roll call vote was conducted by Ms. French. The motion carried.

Specialist of Therapeutic Massage – Sherlyn Cutshall- Time: (08:25:00)

Ms. Cutshall applied for a massage establishment license for Specialist of Therapeutic Massage at 6209 Lee Highway, Chattanooga TN and was present at this meeting. Ms. Cutshall has previous discipline from November 2012 on her massage therapist license (LMT 5089) for failing to maintain continuing education credits. All requirements have been met. Advertisements during a review of the application show Ms. Cutshall has been operating and offering massage at the location without an Establishment license since May 2020. The Board heard from Ms. Cutshall, Ms. Hodge, and Mr. Guilford. After much discussion, a motion was made by Ms. Vickers, seconded by Dr. Bolden, to approve a conditional massage establishment license for Ms. Cutshall per the Policy on unlicensed practice of a massage Establishment with Civil Penalties of \$1700.00 to be paid in 6 months. A friendly amendment of \$1000 penalty was made by Mr. Mullins. After more discussion, a motion was made by Ms. Vickers to amend the timeline to pay civil penalty from 6 months to 12 months for \$1700. A roll call vote was conducted by Ms. Hodge and the motion carried.

Tammy Rae Alumbaugh- Time: (08:51:16)

Ms. Alumbaugh applied for a massage therapist license and was present at this meeting. Ms. Alumbaugh's massage school is closed. Ms. Alumbaugh has stated that the Missouri higher education entity does not have any records on her school. The administrative office received a transcript from the records of the Missouri Board of Massage, which shows Ms. Alumbaugh needs 200 hours of Science and 10 hours of Ethics to meet educational requirements. Ms. Alumbaugh had initially applied for licensure by reciprocity, but her NCBTMB certification lapsed in 2018, therefore she was not eligible. Ms. Alumbaugh requested to present her application to the Board for their review. The Board heard from Ms. Alumbaugh and Ms. Hodge. After a discussion, it was determined that our office was just missing the second page of her transcript that reflected her science and ethic hours. After additional discussion, a motion was made by Mr. Velker, seconded by Ms. Vickers, to approve a conditional license, to be approved when the page 2 of the transcript is received in the mail from the Missouri Board. A roll call vote was conducted by Ms. Hodge. The motion carried.

Susan Renee Bezanson- Time: (09:20:37)

Ms. Bezanson applied for a massage therapist license and was present at this meeting. The administrative office has received 2 different transcripts from the massage education program at the same school. One transcript shows 690 total hours, and the other shows 625 total hours. However, the hours add up to 705. Both transcripts show that 200 hours were completed online. Ms. Bezanson had requested to come before the Board to ask that the Board accept her online coursework towards her licensure in Tennessee. The Board heard from Ms. Bezanson, Ms. Hodge, and Mr. Guilford. After much discussion, a motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to approve Ms. Bezanson for a massage therapist license conditional upon her completing 10 hours of Science at an approved massage school, either online or in-classroom, due to the current COVID 19 pandemic. A roll call vote was conducted by Ms. Hodge, and the motion carried.

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

This report was presented by Mr. Marc Guilford. He stated that there were 87 open cases currently in his office and that a few cases were expected to be resolved at this meeting by settlement agreements. No printed report was submitted.

Contested Cases

Mr. Guilford stated that there were no contested cases to be presented to the Board.

Consent Orders:

Foot Massage Zendora, Smyrna TN- Time: (09:40:41)

Foot Massage Zendora had unlicensed individuals practicing massage in August 2019, and no licensed massage therapists were working there at their time. This consent order revoked the massage establishment license and assesses 2 civil penalties plus costs. A motion was made by Mr. Mullins, seconded by Ms. Vickers, to ratify the consent order for Foot Massage Zendora. A roll call vote was conducted by Ms. Hodge. The motion carried.

Agreed Orders

No agreed orders were presented by the Office of General Counsel at this meeting.

Agreed Citations

No agreed citations were presented by the Office of General Counsel at this meeting.

Orders of Compliance

No Orders of Compliance were presented by the Office of General Counsel at this meeting.

Request for Order Modification

No requests for Order Modification were presented by the Office of General Counsel at this meeting.

Discuss and consider request for continuing education waiver(s)

David Scott Baily, LMT- Time: (09:43:10)

After some discussion, a motion was made by Ms. Yarbrough, seconded by Ms. Vickers, to deny Mr. Baily's request for a waiver for his continuing education for the cycle of 2019/2020. The

Board felt that Mr. Baily could obtain his CE requirement online. A roll call vote was conducted by Ms. Hodge. The motion carried.

Discuss and take action on appointing a board member or staff to the TnPAP Advisory Board- Time: (09:52:45)

The Board heard from Mr. Guilford, who had researched the legality of putting a Board member or staff member on the TnPAP Advisory Board. The Department is currently concerned about possible conflict of interest issues. Mr. Guilford will keep the Board posted on any changes in that position.

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

Sandra Academy – Sandra Clark – New Tazewell, TN- Time: (09:55:00)

Ms. Clark was present for this meeting. Ms. Hodge stated that two consultants had reviewed the documents submitted for Sandra Academy. One consultant stated that the curriculum was not spelled out enough, and the documents referred to the Cosmetology Board which weren't, not specific to massage. Ms. Burke pointed out that the sample transcript was for Aesthetics and Cosmetology, not massage, and there were no syllabi or course catalog with course descriptions. They would like to see more of a curriculum outline showing what is being taught. Ms. Clark stated that she would work on providing this additional documentation and requested that the Board approve the school curriculum. After some discussion, a motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to approve the school curriculum contingent upon the Board's educational consultants receiving the revisions and additional documentation required. A roll call vote was conducted by Ms. Hodge, and the motion carried.

Board Elections- Time: (10:09:30)

A motion was made by Ms. Yarbrough, seconded by Mr. Mullins, to nominate Marvis Burke as Board Chair. A motion was made by Ms. Yarborough, seconded by Ms. Vickers, to nominate Mr. Velker as board Secretary. Roll call votes were held by Ms. Hodge, and the motions passed. Mr. Guilford requested that elections be placed back on the February 2021 Board meeting agenda since two members of the board were absent during the election process.

Discuss and take action if needed regarding rulemaking hearings, rule amendments, and policies- Time: (10:16:05)

The Board took no action on this item at this meeting.

Public comments and receive future Board and Development Committee agenda items- Time: (10:16:35)

The Board adjourned at 7:17 p.m.