

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
August 13, 2018

Time: 9:00 a.m. C.S.T.

Location: 665 Mainstream Drive
HRB Conference Center
1st Floor, Iris Room
Nashville, TN 37243

Members Present: Marvis A. Burke, LMT, Chairperson
Cynthia Jagers, LMT, Secretary
Ed Bolden, LMT
Bill Mullins, LMT
Michael Velker, Citizen Member
Virginia P. Yarbrough, LMT

Member Absent: Christi Cross, Citizen Member

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

The meeting was called to order at 9:24 a.m. by Ms. Marvis Burke, Chairperson. Ms. Burke welcomed and acknowledged the therapists, schools, and students present and joining online. Ms. Burke stated that the reason the Board exists is to protect the health, welfare, and safety of the people of Tennessee. Prior to conducting business, Kimberly Hodge conducted a roll call to establish a quorum. A quorum was established.

Minutes

Upon review of the May 7, 2018 and May 8, 2018 minutes, A motion was made by Mr. Velker, seconded by Dr. Bolden, to approve a change in the minutes by swapping the words “initial” and “essential” in the paragraph regarding the FSMTB MTL Database Launch on page 19 of the minutes. The motion carried. A motion was made by Dr. Bolden, seconded by Mr. Velker, to approve the minutes with this correction. The motion carried.

Ms. Burke introduced Ms. Jiao Hoggard and Ms. Elizabeth Wang, interpreters for the applicant interviews. Ms. Hoggard and Ms. Wang confirmed that they were able to communicate effectively with all the applicants that requested an interpreter.

Applicant Interviews

Jiayong Zhu, LMT – Magic Hands, Inc. dba Mintee Spa

Ms. Jiayong Zhu applied for a massage establishment license for Magic Hands, Inc. dba Mintee Spa at 1349 North Germantown Parkway, Cordova, Tennessee, 38016. Ms. Zhu was present at this meeting to answer concerns that the massage business had operated and advertised without a license, and was denied an establishment license by this Board in February 2017. The translator, Ms. Wang, translated the Board's questions regarding Ms. Zhu's application for a massage establishment. Mr. Guilford reminded the Board that they had previously denied an application for a massage establishment to Li Li for Mintee Spa at the same address for being open and operating for several years without a massage establishment license. Although Ms. Zhu applied as the owner of the current establishment application, Mr. Guilford noted that Ms. Li Li, LMT, was listed as an LMT who was planning to work at Ms. Zhu's establishment. He also stated that there had been two separate investigator visits to the establishment in the summer of 2017, and the establishment was not open. After a brief discussion, the Board decided that there did not seem to be any indication that Ms. Zhu was connected with the establishment when it was open and operating without a license. Mr. Mullins made a motion, seconded by Ms. Yarbrough, to approve the application for a massage establishment license. Dr. Bolden abstained. The motion carried.

Mr. Guilford confirmed with the interpreter, Ms. Wang, that no other applicants today needed Cantonese interpretation. He also confirmed with the interpreter, Ms. Hoggard that she could communicate effectively with the other applicants in need of Mandarin interpretation. Mr. Guilford then thanked Ms. Wang for her time and expertise in translation.

Yan Chen

Ms. Chen had applied for a Tennessee massage therapist license, and was not present at the meeting. A motion was made by Dr. Bolden, seconded by Mr. Velker, to proceed in default. The motion carried. The Board expressed multiple concerns regarding the application. The first concern was that Ms. Chen had submitted two (2) separate reflexology applications, and later stated that her husband, Michael J. O'Connell, had completed and submitted both those applications in error. In a letter to the Board, Mr. O'Connell stated that he intended to send a massage therapist application instead of a reflexology application. The Board was also concerned that Ms. Chen's MBLEx score sheet showed Athens Institute of Massage as her massage school, but the school was not listed in her therapist application. Ms. Chen's application showed she completed a 500 hour massage program at Brightness Massage School for the Blind when Brightness was only approved for an 800 hour program, and her reflexology and massage program transcripts from Brightness showed she completed both programs on the same dates. The Board also voiced their concerns that Ms. Chen's application showed her working at Chinese Massage in the position as a "reflexologist"; however her job duties stated that she was performing "massage". The Board was concerned that her application showed a 6 year unexplained gap in her work history, and that she had criminal charges in Georgia. Dr. Bolden pointed out that the transcript from Brightness Massage School for the Blind only showed 120

hours of health sciences, and therefore, did not meet the educational requirements for licensure. Dr. Bolden also pointed out that Ms. Chen took and passed the MBLEx exam three days after beginning her massage school education. Dr. Bolden stated that these issues as well as the fact that Tennessee Higher Education Commission had pulled their approval of Brightness Massage School for the Blind in October 2016 caused him concern about accepting this education towards licensure. A motion was made by Mr. Velker, seconded by Dr. Bolden, to deny Ms. Chen's application for licensure as a massage therapist. The motion carried.

Jun Liu

Mr. Liu had applied for a massage therapist license, and was present at the meeting. The interpreter, Ms. Jiao Hoggard, translated the Board's questions about Mr. Liu's application for a massage therapist license. Mr. Liu appeared before the Board to answer multiple concerns about discrepancies in his application. The first concern was that Mr. Liu completed his massage education at Elbe Institute in Nevada, and the Nevada Commission on Postsecondary Education has recommended revoking Elbe's provisional school approval. The Board also questioned why the application showed an unexplained employment gap of two and a half years, and why Mr. Liu's MBLEx exam information lists a different school than Elbe. Ms. Liu, who wrote a letter of recommendation for Mr. Liu, stated that Mr. Liu did not live in Tennessee and that the application was completed by a different person living in Nevada (not the school address), yet the application was notarized in Tennessee. The application showed that Mr. Liu has massage therapist licenses in Florida and Texas, but does not show that he has ever worked in either state. Mr. Liu was previously denied a Tennessee reflexologist license, and Mr. Liu was also denied a Tennessee massage therapist license at the June 7, 2017 Board meeting. The Board heard from and asked questions of Mr. Liu, Ms. Hodge, and Mr. Guilford. After some discussion, a motion was made by Mr. Mullins, seconded by Ms. Jagers, to deny the application. After further discussion, Mr. Mullins withdrew his motion to deny the application. A motion was made by Dr. Bolden, seconded by Mr. Velker; to postpone a decision on Mr. Liu's application for licensure as a massage therapist until further information could be obtained regarding Mr. Liu's education at Elbe Institute from the Nevada Commission on Postsecondary Education and the Nevada State Board of Massage Therapists. The motion carried.

Na Shao

Ms. Shao had applied for a Tennessee massage therapist license, and was not present at this meeting. Ms. Hodge confirmed for the Board that Ms. Shao had been notified by mail of her required appearance before the Board, and that the administrative office had no reason to believe that Ms. Shao had not received this notice. A motion was made by Dr. Bolden, seconded by Ms. Jagers, to proceed in default. The motion carried. The Board's concerns about Ms. Shao's application included: the massage school Ms. Shao had attended, Angeles College, is not on the approved list of schools for certification by the California Massage Therapy Council; and that Ms. Shao worked as a massage therapist in California before attending massage school. Dr. Bolden brought up concerns regarding discrepancies in the transcript from Angeles College.

After some discussion, a motion was made by Mr. Velker, seconded by Mr. Mullins, to deny Ms. Shao's application for a massage therapist license. The motion carried.

Cui Hua Wang

Ms. Wang had applied for a massage therapist license, and was present at this meeting. Ms. Wang stated that she wished to answer all questions in English, and would not need translation services. Ms. Wang appeared before the Board to answer concerns about her application, including that the massage school Ms. Wang had attended, Just for Your Health College of Massage. The school is not on the approved list of schools for certification by the California Massage Therapy Council. Ms. Hodge clarified for the Board that the school was unapproved by the California Massage Therapy Council in June of 2017, and that Ms. Wang had completed her education there in 2016. After some discussion, a motion was made by Mr. Velker, seconded by Ms. Yarbrough, to approve Ms. Wang's application for a massage therapist license. After further discussion, that motion carried.

He Zhang

Ms. Zhang had applied for a massage therapist license, and was present at this meeting. The interpreter, Ms. Jiao Hoggard, translated the Board's questions about Ms. Zhang's application for a massage therapist license. Ms. Zhang appeared before the Board to answer concerns about her application, including: Ms. Zhang had been working at Green Spa in Clarksville, Tennessee between May 2016 and April 2017 before she began attending massage school from June 2017 to December of 2017 at Elbe Institute in Nevada; Ms. Zhang's work history shows that she was working in China and Tennessee between April 2012 and April 2017; and the Nevada Commission on Postsecondary Education has recommended denial of Elbe Institute's license to provide massage and reflexology education in Nevada. After hearing from Ms. Zhang, and after a brief discussion, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to postpone a decision on Ms. Zhang's application for licensure as a massage therapist until further information could be obtained regarding Ms. Zhang's education at Elbe Institute from the Nevada Commission on Postsecondary Education and the Nevada State Board of Massage Therapists. The motion carried.

Guoyi Tian

Mr. Tian had applied for a massage therapist license, and was present at this meeting. The interpreter, Ms. Jiao Hoggard, translated the Board's questions about Mr. Tian's application for a massage therapist license. Mr. Tian appeared before the Board to answer concerns about his application. The massage school Mr. Tian attended in Illinois, Rosel School of Massage Therapy, was unapproved. The Nevada Commission on Postsecondary Education has recommended denial of the license to provide massage and reflexology education for Elbe Institute, which is the other massage school Mr. Tian attended. Mr. Tian owned and operated an unlicensed establishment for over a year, and Mr. Tian's unlicensed establishment appears to be

currently open and operating, based on Facebook and Yelp reviews. Mr. Tian's application states that he intends to work at this unlicensed establishment upon being granted a massage therapist license. Mr. Tian has applied three (3) times for licensure as a massage therapist in Tennessee, and his work history on these applications overlaps times and places, showing that he was at times simultaneously working in more than one of the following states: Michigan, Kansas, Alabama, Georgia, Ohio, Missouri, and Illinois. Mr. Tian stated that he currently owns Ivy Massage & Foot Spa at 1408 Gunbarrel Road, Suite 112, Chattanooga, Tennessee, 37421, but that his wife, Dongmei Li, applied for the establishment license for that location. Ms. Hodge stated that there is currently no active massage establishment license at that location, and that a massage establishment license for that location was retired on March 1, 2016. The Board heard from Mr. Tian, Ms. Hodge, and Mr. Guilford. After a brief discussion, a motion was made by Mr. Velker, seconded by Mr. Mullins, to deny Mr. Tian's application for a massage therapist license. The motion carried. A motion was made by Dr. Bolden, accepted by Mr. Velker, to amend the motion for denial to include sending copies of the letter of denial to all states in which Mr. Tian admitted to practicing massage therapy. The motion carried.

Dr. Bolden asked that the Board consider establishing a list of out of state schools from which the Tennessee Board would not accept education towards licensure. Ms. Hodge pointed out that the Board had been considering each application with its individual education on a case by case basis, and that as recently as earlier today the Board had voted to approve for licensure an applicant whose education was completed at a school in California that was not on the California Massage Therapy Council's approved school list. The Board did not take any action on Dr. Bolden's suggestion at this meeting.

Dr. Bolden requested that the Office of Investigations open a case against the unlicensed establishment Ivy Massage & Foot Spa at 1408 Gunbarrel Road, Suite 112, Chattanooga, Tennessee, 37421, as well as any individual practicing massage at this location.

Ms. Burke told Ms. Jiao Hoggard that this was the last interview that needed translation today, and thanked her for her translation services at this meeting.

Jerry C. Flynn Jr. – A Better Back Massage

Mr. Flynn had applied for a massage establishment license for A Better Back Massage located at 10670 Parkside Drive, Suite 103, Knoxville, TN 37922, and later requested that his application be withdrawn. Mr. Flynn was not present at the meeting. The Board's concerns about his application included that a previous massage establishment application by Mr. Flynn for the same address had been denied by the Board. The Board heard from Ms. Hodge and Mr. Guilford. After a brief discussion, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to accept Mr. Flynn's withdrawal of his massage establishment application. The motion carried.

Jenilee Mann – Champalou Spa

Ms. Mann had applied for a massage establishment license for Champalou Spa located at 6969 U. S. Highway 70, Memphis, Tennessee, 38133. Ms. Mann was not present at the meeting. A motion was made by Mr. Velker, seconded by Mr. Bolden, to proceed in default. The motion carried. Ms. Mann's application was deferred from the Application Review Committee meeting. The Board's concerns included: the establishment had been open and offering massage without a massage establishment license; Ms. Mann marked "no" to the question in the application regarding criminal conviction; and that reviews posted online indicated Ms. Mann has been practicing massage at this location for the past five (5) years without a massage therapist license. A motion was made by Mr. Velker, seconded by Dr. Bolden, to deny Ms. Mann's application for a massage establishment license. The motion carried. Mr. Velker requested that the Office of Investigations open a case against this establishment.

Robin Gill

Ms. Gill had applied for a massage therapist license, and was present at this meeting to answer the Board's concerns about her application. Ms. Gill checked "no" to the question regarding criminal conviction on her application, but had multiple convictions for DUI. She also declined Tennessee Professional Assistance Program (TnPAP) assistance after the initial evaluation, and Ms. Gill tested positive for alcohol and admitted that she continues to use cannabis. The evaluator recommended that Ms. Gill's safety to practice be contingent upon monitoring by an abstinence based program that requires frequent toxicology screening. Ms. Gill declined TnPAP's offer of a twelve (12) month diagnostic monitoring agreement. The Board heard from Ms. Gill, Mr. Harkreader of TnPAP, Ms. Hodge, and Mr. Guilford. Mr. Guilford spoke to the ramifications of the recently passed "Fresh Start Act", and the impact of that legislation on the Board's consideration of applications involving criminal convictions. After much discussion, a motion was made by Dr. Bolden, seconded by Mr. Velker, that a massage therapist license be issued contingent upon Ms. Gill completing an alcohol toxicity test, with the biological specimen to be submitted within 48 hours of this meeting, resulting in either a negative result (less than 20), or a positive result (over 20) and the signing of a one year diagnostic monitoring agreement with TnPAP. If the test result are positive and Ms. Gill refuses to sign the monitoring agreement, her application will be reconsidered at the next Board meeting. A friendly amendment was put forth by Mr. Velker to add that the Board will pay the cost of the alcohol toxicity testing. The amendment was accepted by Mr. Bolden. The amended motion carried.

After a break, the Board reconvened and a motion was made by Mr. Velker, seconded by Dr. Bolden, that in order to keep with established practice, the Board contact Ms. Gill and have her submit a corrected application, correcting her "no" answer to having any criminal convictions. The motion carried. Another motion was made by Mr. Velker, seconded by Mr. Mullins, to add that Ms. Gill's license approval also be contingent upon testing for cannabis through TnPAP. The motion carried.

Receive Report from Legislative Liaison and Discuss Legislation

This report was brought by Patrick Powell of the Legislative Affairs Office of the Department of Health. Mr. Powell stated that no legislation has been passed that would directly affect this Board, but that legislation has been passed that affects boards in general.

Public Chapter 611, which requires agencies having Rules hearings to make copies of the Rules in red line form to people attending the hearing. This legislation took effect July 1, 2018.

Public Chapter 744 allows a licensing entity the discretion to not suspend, deny, or revoke a license in cases where the licensee has defaulted or become delinquent on student loans if due to medical hardship or if a medical hardship contributed to the delinquency or default. This legislation will take effect January 1, 2019.

The “Fresh Start Act” is comprised of Public Chapter 745 and Public Chapter 793. This legislation prohibits licensing authorities from denying a license application or renewal due to a prior criminal conviction that does not directly relate to the applicable occupation. There was some discussion about how this legislation impacts the Board’s evaluation of past criminal convictions, and what type of convictions could be considered to relate directly to the profession of massage. Mr. Guilford stated that the Office of General Counsel has been talking about this legislation, and expects to be discussing it further in November.

Public Chapter 754 prevents any board, commission or committee created by statute from promulgating Rules, statements or interagency memoranda that infringe upon an entity member’s freedom of speech. Confidential matters are excluded under the code. Violations as determined by a joint evaluation committee may result in recommendations to the General Assembly about the agency’s sunset status, rulemaking authority and funding. This legislation took effect in April 2018.

Public Chapter 929 redefines “policy” and “Rule”. It requires that each agency submit a list of all policies, with certain exceptions, that have been adopted or changed within the previous year to the chairs of the government operations committees on July 1st of each year. The submission shall include a summary of the policy and justification of adopting a policy instead of a rule. This legislation also prohibits any agency from establishing any policy or rule that infringes upon an entity member’s freedom of speech. It also establishes that the agency’s appointing authority shall have the sole power to remove a member. This legislation went into effect on July 1, 2018.

Public Chapter 954 requires that the initial licensure fee for low income individuals be waived. Low income individuals as defined by the statute are persons enrolled in a state or federal public assistance program including but not limited to TANIF, Medicaid and SNAP. All licensing entities are required to promulgate rules to effectuate the purposes of this act. This legislation will take effect January 1, 2019. Mr. Powell stated that it was his understanding that the Department of Health is working on agency-wide rules to meet this requirement in order to have consistency across all boards.

Public Chapter 1021 allows for appeals of contested cases to be heard in the chancery court nearest the residence of the person contesting the agency action, or at that person's discretion, in the chancery court nearest the place the action arose, or in the chancery court of Davidson County. This legislation took effect July 1, 2018.

Dr. Bolden asked Mr. Powell to discuss the recent legislation on animal massage. Mr. Powell said that Public Chapter 679 removed animal massage from the authority of veterinary practice, and said that if a person holds themselves out as a being certified in animal massage when they are not so certified, there is a civil cause of action under consumer protection. Mr. Powell emphasized that this only applies to the massage of animals.

Joylee Martinez-Salome

Ms. Martinez-Salome had applied for a massage therapist license, and was present at this meeting to answer concerns about her application. Ms. Martinez-Salome was referred to TnPAP by the Board's administrative office, and as of the date of this meeting she has not contacted TnPAP to schedule an evaluation of her safety to practice. The Board heard from Ms. Martinez-Salome, Ms. Hodge, and Mr. Harkreader from TnPAP. Ms. Martinez-Salome stated that she had called TnPAP, and was told that she would need to put \$800.00 into an account before they could start the evaluation process. Dr. Bolden inquired of Mr. Harkreader why the Board had heard this same misinformation from TnPAP from two different applicants today. Mr. Harkreader stated that this is in fact the case for all applicants except massage therapists, and that the Massage Board is the only health related board that pays its applicants' TnPAP evaluation fees. Ms. Martinez-Salome stated that she could not recall actually telling the person she spoke to at TnPAP that she was a massage therapist. Ms. Hodge spoke to how the Board's policy of referring applicants to TnPAP is being followed in the administrative office. After much discussion, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to grant Ms. Martinez-Salome a massage therapist license contingent upon her contacting TnPAP, having an evaluation completed through TnPAP, and agreeing to any recommendations made by TnPAP as a result of that evaluation before the next Board meeting on November 5 and 6, 2018. The motion carried.

Carmen I Barraza

Ms. Barraza had applied for a massage therapist license, and was present at the meeting to answer concerns about her application. The concerns included: Ms. Barraza's massage school, Southeastern Institute (Nashville campus), had closed, and the official transcript received in the administrative office did not have the educational hours broken down enough to show that Ms. Barraza met Tennessee's educational requirements; and on her application, Ms. Barraza marked that she had not read and did not understand the Rules of the Massage Board. Ms. Barraza stated that she had marked her application in error, and that she had read and understood the Rules of the Board. Mr. Guilford directed the Board to the additional educational documentation that had been included in Ms. Barraza's file. Ms. Barraza stated that some of this additional documentation came from the school's Columbia and Charleston campuses. The Nashville

campus, where she had attended, was now closed. Some of the documentation in the file had been provided by Mr. Mullins, who had been a teacher at that school during the time she attended the program. Mr. Mullins stated that while he was teaching at the Nashville campus, the school changed their curriculum from a 750 hour program to a 900 hour program, and that the documentation he provided was from the 900 hour program. Mr. Mullins confirmed Ms. Barraza's statement that she had actually completed the 750 hour program. Mr. Mullins stated that the documentation provided by the other campuses did reflect the 750 hour program that was taught at the Nashville campus at the time Mr. Mullins was teaching there. After much discussion, a motion was made by Mr. Velker to approve Ms. Barraza's application for a massage therapist license. After further discussion and hearing from Ms. Oldham of Cumberland Institute of Holistic Therapies regarding the difficulty she and Ms. Barraza had in reaching a contact person at the current campuses, Mr. Velker withdrew his motion. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve Ms. Barraza's application for a massage therapist license contingent upon the administrative office receiving a breakdown of hours from the currently open campuses of Southeastern Institute showing that Ms. Barraza meets Tennessee's educational requirements for licensure. The motion carried.

Nancy L. Curulewski

Ms. Curulewski had applied for a massage therapist license, and was present at the meeting to answer concerns about her application. The concerns included: the massage school that Ms. Curulewski attended in Illinois, Center for Therapeutic Massage and Wellness, was not approved in that state for licensure; Ms. Curulewski has been practicing massage and reflexology without a license in Tennessee for over a year; and Ms. Curulewski's official massage school transcript shows completion of only 350 hours. Therefore, she does not meet the educational requirements for licensure in Tennessee. Ms. Curulewski stated that she was not practicing massage in Tennessee without a license, and that at the time she went to massage school in Illinois from 1990 to 1991, massage therapy was not regulated in Illinois. Ms. Curulewski spoke about not applying in time to be grandfathered in for licensure in Illinois when regulation of massage was implemented in 2004. She stated that rather than take the required test, she chose to continue practicing massage in Frankfurt, Illinois without the newly required licensure up until 2016, when she moved to Tennessee. Ms. Curulewski stated that since moving to Tennessee, she has worked in a wellness center as a receptionist, and has also practiced lyposage and cranio sacral therapy on clients at the wellness center. Ms. Curulewski also stated that she has been applying for jobs as a massage therapist in Tennessee since she submitted her application for licensure. After much discussion, during which the Board heard from Ms. Curulewski, Ms. Hodge, and Mr. Guilford, a motion was made by Dr. Bolden, seconded by Ms. Jaggars, to allow Ms. Curulewski to withdraw her application for a massage therapist license. The motion carried.

Amanda Lea Eccard

Ms. Eccard had applied for a massage therapist license, and was present at the meeting to answer concerns about her application. Ms. Eccard does not meet the educational requirements for

licensure, and must complete fifty-eight (58) classroom hours of health sciences at an approved massage school to be eligible for licensure as a massage therapist in Tennessee. The Board heard from Ms. Eccard, Ms. Hodge, and Mr. Guilford. Ms. Hodge and Mr. Guilford confirmed that the Board cannot, by statute, accept any non-massage school education towards licensure of a massage therapist. After some discussion, a motion was made by Mr. Velker, and was seconded by Ms. Yarbrough, to defer Ms. Eccard's application for a massage therapist license to the next Board meeting so that the additional educational documents Ms. Eccard brought to this meeting may be reviewed, and to allow time for Ms. Eccard to complete any additional hours that may be needed to meet the educational requirements for licensure in Tennessee. The motion carried.

Kimberly Collins-Davis

Ms. Davis had applied for reinstatement of her massage therapist license, and was present at this meeting to answer concerns about her application. Ms. Davis had submitted a reinstatement application for her massage therapist license that was denied at the February 12, 2018 Board meeting. The Board was concerned that Ms. Collins-Davis had operated a massage establishment at Kimberly Collins-Davis, LMT and Associates, 231 Veteran's Parkway, Suite D, Murfreesboro, Tennessee, on a lapsed massage establishment license from about August 2015 to about December 2016, and that Ms. Collins-Davis was operating another unlicensed massage establishment at 2602 Merchant Walk, Murfreesboro, TN from about November 2017 to February 2018 without an establishment license. Mr. Guilford presented the Board with a Consent Order signed by Ms. Collins-Davis for the Board's review and possible approval. Mr. Guilford summarized the Consent Order, which would place Ms. Collins-Davis's massage therapist license and massage establishment license on probation until all civil penalties and costs totaling \$4,500.00 are paid in full; allow Ms. Collins-Davis to reinstate her massage therapist and reactivate her massage establishment license without having to appear before the Board; and require Ms. Collins-Davis to appear before the Board if she applies for a new massage establishment license during the time that her massage therapist license is on probation. After a brief discussion, a motion was made by Mr. Velker, seconded by Mr. Bolden, to approve the Consent Order as written. The motion carried. A motion was made by Mr. Velker, seconded by Mr. Mullins, that since the consent order was approved, no further action is needed on this application. The motion carried.

Candace Michelle Kasallis

Ms. Kasallis had applied for reinstatement of her massage therapist license, and she was present at the meeting to answer concerns about her application. Ms. Kasallis had operated an unlicensed massage establishment from about October 2011 to about August of 2012, and she may have practiced massage in Tennessee before acquiring her massage therapist license. The Board heard from Ms. Kasallis, Ms. Hodge, and Mr. Guilford. Ms. Hodge and Mr. Guilford spoke on the investigation that had been opened on Ms. Kasallis's massage therapist license and establishment license before Ms. Kasallis retired both licenses. Mr. Guilford spoke to what legal options the Board had at that time with regard to Ms. Kasallis's massage therapist license. After much

discussion, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to deny the reinstatement of Ms. Kasallis's massage therapist license. The motion carried.

Melissa Renae Wilkes

Ms. Wilkes is a licensed massage therapist in Tennessee, and appeared before the Board at this meeting to answer concerns. She failed to obtain 25 hours of continuing education for the cycle of 2011/2012, and failure to report a criminal charge to the Board. Mr. Guilford presented a Conditional License Reinstatement Agreement for the Board's review and possible approval. The Agreement would grant a reinstatement of Ms. Wilkes's massage therapist license on the following conditions: Ms. Wilkes must complete a total of thirty-one (31) hours of approved continuing education, including two hours of Tennessee massage statutes and rules and two hours of ethics, practice management, or substance abuse; proof of these hours must be submitted to the Board's Disciplinary Coordinator before the license can be issued; and Ms. Wilkes must pay civil penalties totaling \$775.00 in full within one year of the effective date of the order. The Board heard from Mr. Guilford and from Ms. Wilkes. After a brief discussion, a motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the Conditional License Agreement as written. The motion carried.

Ariana G. L. Cole

Ms. Cole was not present at the meeting. A motion was made by Mr. Velker, seconded by Dr. Bolden, to defer this applicant to the November 2018 Board meeting. The motion carried.

Jessica Whaley Oliver

Ms. Oliver had applied for a massage therapist license, and was present at the meeting to answer concerns about her application including. Ms. Oliver had been referred to TnPAP by the administrative office due to a 2015 charge for marijuana, and had not contacted TnPAP within the required time frame. The Board heard from Ms. Oliver, Ms. Hodge, and Mr. Harkreader from TnPAP. After some discussion, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve Ms. Oliver's application for a conditional massage therapist license, upon a positive evaluation from the TnPAP evaluator, and that Ms. Oliver complies with all recommendations. The motion carried.

Brandon Lee Boatman

Mr. Boatman had applied for a massage therapist license, and was present at the meeting to ask the Board to allow him to withdraw his application. Mr. Boatman had been referred to TnPAP by the administrative office due to two (2) charges of Driving Under the Influence and one (1) Evading Arrest charge in 2009. The Board heard from Mr. Boatman, Ms. Hodge, and Mr. Harkreader of TnPAP. After some discussion, a motion was made by Dr. Bolden, seconded by

Mr. Velker, to allow Mr. Boatman time to be evaluated through TnPAP, and to withdraw his application through the administrative office if he chooses to do so. The motion carried.

Lynda L. Parks-Dolan

Ms. Parks-Dolan had applied for a massage therapist license, and was present at the meeting to answer concerns about her application. Ms. Parks-Dolan lacked forty-seven (47) hours of Health Sciences and six (6) hours of Ethics to qualify for licensure in Tennessee. The Florida massage board only required that approved schools send in a list of their graduates for licensure, and not a transcript. Prior to the Board meeting, the administrative office had received a transcript that showed fifty-eight (58) additional hours of education that needed to be completed. The Board heard from Ms. Parks-Dolan, Mr. Guilford, and Ms. Hodge. Ms. Hodge confirmed that since the Application Review Committee meeting, Ms. Parks-Dolan had caused to be submitted an official transcript showing that she had completed the required hours. A motion was made by Dr. Bolden, seconded by Mr. Velker, to approve Ms. Parks-Dolan's application for licensure as a massage therapist. The motion carried.

Lindsey Nichole Murphy

Ms. Murphy had applied for a massage therapist license, and was not present at this meeting. A motion was made by Dr. Bolden, seconded by Ms. Jagers, to proceed in default. Ms. Murphy had been asked to appear before the Board to answer concerns about her application. Ms. Murphy had been referred to TnPAP by the administrative office, and had declined to sign the TnPAP recommended monitoring agreement. TnPAP reported that Ms. Murphy seemed eager to sign the monitoring agreement; however, after ample time had been given for her to do so, she had still not signed the agreement. Therefore, TnPAP closed her file. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to deny Ms. Murphy's massage therapist application. After much discussion about the grounds for denial, and after hearing from Mr. Guilford regarding the new "Fresh Start Act" and its requirements, the Board voted on the motion to deny the application. The motion carried.

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

Daughters of Zion – William & Johnson Career College

Robin Blaisedell, acting program director, was present at the meeting to represent the school. Ms. Blaisedell stated that she was not the person originally designated as program director, but that the original person was no longer going to fill that position. The Board spoke to Ms. Blaisedell on their concerns including: discrepancies within the school catalogue regarding the total number of classroom hours for the program; discrepancies between the separate class hours on the transcript and the hours listed in course descriptions in the course catalogue; failure to follow Tennessee Higher Education Commission (THEC) guidelines in their manual and catalogue; failure to supply proof of basic life support certification of any instructor; failure to

meet Tennessee’s required hours of Health Sciences; concerns regarding the sanitation policy; incomplete fire safety plan; and acknowledgement form without licensure requirements. The Board heard from Ms. Blaisedell, Mr. Guilford, and Ms. Hodge. Dr. Bolden spoke about Tennessee licensure requirements, THEC requirements, and consistency in school materials. After much discussion, the Board chose to take no action at this time regarding the Daughters of Zion – William & Johnson Career College. Ms. Hodge recommended that Ms. Blaisedell work to correct the deficiencies discussed at this meeting and plan to resubmit the school for approval at a later Board meeting.

Tennessee Professional Assistance Program (TnPAP) Annual Statistical Report Regarding the Peer Assistance Program

Mr. Mike Harkreader of TnPAP discussed TnPAP’s annual report. The report covered July 1, 2017 to June 30, 2018. TnPAP monitored 12 therapists, and 4 therapists had a Board order. Twenty-three (23) referrals were made to TnPAP during this time, 22 by the Board’s administrative office due to arrest history, one by an employer due to workplace impairment. TnPAP had 10 agreements effective. TnPAP closed 18 files: 4 clients completed their monitoring; 8 were evaluated, but declined services; and 7 were evaluated, and no monitoring agreement was deemed necessary. Board expenditures included \$19,000 for toxicology screens and \$9,440.00 for evaluations, bringing the total expenditures to \$28,440.00. The Board had no questions about this report and took no action on the report.

Applicant File Reviews – Education

There were no applicant files to be reviewed on their education at this meeting.

Receive Reports and/or Requests from the Board Director/Manager

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 August 6, 2018 there were 4,402 licensed massage therapists and 1,767 licensed massage establishments.

Following is the license status since the last meeting:

THERAPISTS	ESTABLISHMENTS
May 2018	May 2018
Newly Licensed – 35	Newly Licensed – 34

Reinstate Applications – 13	Reinstate Applications – 4
Retired- 16	Retired – 7
New Applications- 31	New Applications- 19
	Address Change Application - 6

THERAPISTS	ESTABLISHMENTS
June 2018	June 2018
Newly Licensed – 54	Newly Licensed – 25
Reinstate Applications – 7	Reinstate Applications – 6
Retired- 11	Retired – 5
New Applications- 30	New Applications- 18
	Address Change Application - 7

THERAPISTS	ESTABLISHMENTS
July 2018	July 2018
Newly Licensed – 58	Newly Licensed – 25
Reinstate Applications – 8	Reinstate Applications – 7
Retired- 12	Retired – 4
New Applications- 24	New Applications - 29
	Address Change Application - 10

In response to a question from Mr. Guilford, Ms. Hodge stated that the massage establishment address change applications were going mostly smoothly, and that Ms. Layden’s focus has been on getting the inspections of the establishments back up and running.

Financial Report

No financial report was presented at this meeting. Ms. Hodge stated that a financial report will be presented at the November 2018 Board meeting.

Continuing Education Audit Report

Ms. Hodge discussed this report to the Board. This report covered audit activity from January 2018 to June 2018. One hundred and five (105) massage therapists were audited for continuing education. Fifty-nine (59) were compliant, resulting in 56% compliance. Forty-six (46) were non-compliant, resulting in 44% non-compliance. Eighteen (18) were deficient in the required numbers of continuing education hours, and twenty-eight (28) failed to contact the compliance unit after receiving a second notice of audit letter by certified mail. After some discussion about the importance of licensees keeping their addresses updated with the Board’s administrative office, the Board took no action on this report.

Receive Report and/or Requests from the Office of General Counsel

Mr. Marc Guilford discussed this report to the Board. The Office of General Counsel currently has about 80 open cases pertaining to the Massage Licensure Board, compared with about 61 in May and 64 cases in February. A number of cases will be resolved at this meeting by settlement agreement and by contested case hearings.

Contested Cases

Mr. Guilford stated that several contested cases will be presented tomorrow. Mr. Guilford noted that there has been an increase in cases recently, but that his office was actively working on settlement agreements to bring those numbers down.

Mr. Guilford stated that an appeal of one of the Board's contested cases is going to Chancery Court on appeal. This was a license denial in May of 2018 due to the applicant having attended an unapproved school, Brightness Massage School for the Blind.

Rule Making

Mr. Guilford's office has been working on a Rule change that would require massage therapists to present their continuing education at their renewal time. The Board discussed CE Broker and the continuing education reporting system being worked on by the FSMTB. Mr. Guilford noted that four (4) other boards are using CE Broker on a trial basis. Mr. Guilford stated that legally the Board can require the licensees to turn in their proof of continuing education compliance at the time of renewal; however there has been a recent court case that may have some bearing on what the Board could do if a licensee is not compliant with continuing education at the time of renewal. Other considerations that were discussed were whether to keep the current 2 year cycle or change it to a rolling 24 month period so that licensees can continue to earn continuing education hours right up to their renewal month. The Board also discussed if the Board had the authority to discipline a licensee if the licensee was not compliant at the time of renewal; how will the licensees submit their continuing education if they renew online; and how will the administrative office handle the extra work of reviewing continuing education for each licensee and still get the licenses renewed in a timely manner. Mr. Guilford stated that he hoped to have more information on this topic at the next Board meeting. There was discussion about the challenges of licensees not responding to mail and not keeping their addresses current with the Board.

Consent Orders

Due to an incomplete scan, the Board chose to wait until Tuesday August 14, 2018 for the completed scan of the Consent Order for Ms. Dianna Budde, LMT – Dedmon Chiropractic to make a fully informed decision.

Jiachun Geng, LMT – Massage Hong Kong

Mr. Geng, a licensed massage therapist, was the owner and responsible person for the licensed massage establishment Massage Hong Kong at 714 Nashville Pike, Suite 2, Gallatin, TN 37066. In the summer of 2017, while massaging a female client, Mr. Geng's hand came into contact with the client's groin and genitals multiple times and Geng massaged the client's breasts. In about October of 2017, while massaging a different female client, Mr. Geng failed to keep the client's buttocks draped, and caused his groin to come into contact with the client's arm. While demonstrating his massage and draping techniques on a Department of Health investigator, Mr. Geng inappropriately draped the investigator, touched the investigator's groin and genital area while draping and massaging, and positioned himself inappropriately such that his hip and groin were over or lying on the investigator's body. Mr. Geng stated to the investigator that due to his limited English proficiency, he communicates with clients using hand gestures and a printout showing the length of massages offered, does not discuss draping with clients, expects that clients will know to undress when he leaves the room, that clients tell him where to massage by pointing, and that when he needed a client to move a body part, he simply moved the body part himself since he was unable to ask the client to do so. The Consent Order stated that Mr. Geng's massage therapist license is voluntarily suspended; Massage Hong Kong's massage establishment license is voluntarily suspended; and that Mr. Geng must pay the actual and reasonable costs of investigating and prosecuting this case, not to exceed \$3,000.00. A motion was made by Dr. Bolden, seconded by Mr. Velker, to approve the Order as written. The motion carried.

Donna Hale, LMT – At Last, A Day Spa & Salon

Ms. Hale, a licensed massage therapist, was the owner and responsible person for the licensed massage establishment At Last, A Day Spa & Salon at 2695 Nashville Highway, McMinnville, TN 37110. The massage establishment license number 2930 for At Last, A Day Spa & Salon expired on about June 1, 2015 and remained expired until January 2017 when the license was reactivated. Ms. Hale continued to practice massage therapy for compensation at At Last, a Day Spa & Salon while its license was expired. Ms. Hale stated that during that time she was the only massage therapist working at that establishment and that she performed about 12 to 15 massages per week. The Consent Order reprimanded and placed on probation Ms. Hale's massage establishment license for At Last, a Day Spa & Salon until at least January 31, 2019, and continuing until all fines and civil penalties are paid in full. The order placed Ms. Hale's massage therapist license on probation until all civil penalties and costs are paid in full. She must pay civil penalties totaling \$1,500.00, and the actual and reasonable costs of prosecuting this case not to exceed \$2,000.00. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the Order as written. The motion carried.

Chunan Andrew Jiang LMT – Brightness Massage School for the Blind

Mr. Jiang, whose massage therapist was in retired status at the time of this meeting, served as director and instructor at Brightness-Massage School for the Blind (“Brightness”) located at 6180 Macon Road, Memphis, TN 38134. Brightness was approved by the Board and the Tennessee Higher Education Commission (THEC) as a massage school in about 2010 for a 500 hour massage therapy educational program and a 760 hour massage therapy educational program. Brightness also offered a 200 hour reflexology program, which was not required to be approved by this Board. In about May 2013 Brightness was approved by the Board to teach an 800 hour massage education program.

Because of deficiencies in Brightness’s annual reports to THEC, THEC conducted audits of Brightness in about June 2014, August 2015, and February 2016 and gave Brightness an opportunity to work with THEC to correct certain deficiencies. The June 2014 audit found errors in records of some students where Brightness had failed to complete records for the student, including and not limited to complete and accurate records of the student’s attendance, complete and properly certified student transcripts, written evidence that the student had received and acknowledged policies required by the Board. A copy of THEC’s June 2014 findings were submitted to the Board along with this proposed Consent Order. As a result of the June 2014 audit, in about May 2015 THEC changed Brightness’s THEC authorization status to “conditional” and gave Brightness an opportunity to address its deficiencies. In about August 2015, THEC again audited Brightness. As a result of this audit, THEC recommended further action against Brightness. The findings of THEC’s audit included: Brightness failed to maintain required documentation in student files concerning enrollment; Brightness failed to maintain required documentation in student files concerning hours transferred from other institutions; and Brightness failed to maintain attendance records for about 27 students, despite notice of similar deficiencies in the earlier audit. As a result of this audit, Brightness was fined a total of about \$41,500.00. In about February 2016, Brightness was audited by THEC a third time. As a result of this audit, THEC recommended further adverse action against Brightness for continued record deficiencies. On October 24, 2016, THEC revoked Brightness’s authorization. Mr. Jiang affirmed notice of the revocation and worked with THEC to close and cease operations of Brightness. On January 24, 2017, Mr. Jiang received confirmation from THEC that all closing obligations were complete and the matter closed with THEC.

Brightness never informed the Board of any of its changes of approval status with THEC. Brightness failed to properly maintain student record, including and not limited to failing to maintain evidence of student attendance; failing to maintain records of the basis of student admissions; failing to maintain records of student accounts; failing to maintain records of student transcripts; failing to maintain student evaluations; and failing to maintain records demonstrating students had received and acknowledged policies required by the Board. At times, Brightness allowed students who had completed its 200 hour reflexology program to apply fifty percent (50%) of those 200 hours toward completion of its 500 or 800 hour massage programs. The Board had never approved this practice, and the reflexology courses were not included on the curricula the Board had approved. Brightness failed to create or maintain records or transcripts reflecting credit hours students transferred in from other institutions.

The Consent Order stipulated that Brightness's approval from the Board is voluntarily suspended; if Mr. Jiang applies to reinstate his currently retired massage therapist license, the Board may seek and pursue disciplinary action against Mr. Jiang's massage therapist license based on the violations referenced in the Consent Order and THEC's records; that no other grounds for potential action against Mr. Jiang's massage therapist license have been waived by this Order; that Mr. Jiang must pay the actual and reasonable costs of investigating and prosecuting this case not to exceed \$6,000.00.

A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the Order as written. The motion carried.

John Watson – Pure Life Massage & Wellness

Mr. Watson, who is not licensed as a massage therapist, owns and is the responsible person for Pure Life Massage and Wellness, a licensed massage establishment at 1262 Old Hillsboro Road, Franklin, TN 37069. Araleyra Flores was allowed to work in this establishment while her massage therapist license was expired from at least November 2015 through July 2017. Lavesha Johnson retired her massage therapist license in about July 2015; this license is still in retired status. Ms. Johnson was allowed to work in this establishment while her license was retired from at least July 2015 through July 2017. The proposed Consent Order placed Mr. Watson's massage establishment license on probation until all fines and civil penalties are paid in full. Mr. Watson would be required to pay total civil penalties of \$1,000.00; must ensure his website and other advertising correctly reflects the therapists working at his establishment; and must pay all actual and reasonable costs of prosecuting this case not to exceed \$1,000.00.

After some discussion, a motion was made by Mr. Velker, seconded by Dr. Bolden, to increase the Civil Penalties in this Order to a total of \$1,500.00. The motion carried. Mr. Guilford stated that the revised Order would come before the board at a later meeting, should the Mr. Watson choose to sign it.

Tracey Coppock, LMT

Ms. Coppock, a licensed massage therapist, practiced massage therapy at Spa Ninety-Seven Hundred at 9700 Kingston Pike, Suite 19, Knoxville, TN 37922 while its massage establishment license was expired from about March 2015 through March 2017, and during that time performed about 900 massages at the establishment. The Consent Order would place Ms. Coppock's massage therapist license on probation for a period of at least one year. Ms. Coppock must pay in civil penalties a total of \$500.00 and the actual and reasonable costs of investigating and prosecuting this case, not to exceed \$1,000.00, before the probation of Ms. Coppock's massage therapist license can be lifted. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the Order as written. The motion carried.

Christie Van Etten, LMT

Ms. Etten, a licensed massage therapist, practiced massage therapy at Spa Ninety-Seven Hundred at 9700 Kingston Pike, Suite 19, Knoxville, TN 37922 while its massage establishment license was expired from about March 2015 through March 2017, and during that time performed about 647 massages at the establishment. The Consent Order would place Ms. Etten's massage therapist license on probation for a period of at least one year. Ms. Etten must pay in civil penalties a total of \$500.00 and the actual and reasonable costs of investigating and prosecuting this case, not to exceed \$1,000.00, before the probation of Ms. Etten's massage therapist license can be lifted. A motion was made by Mr. Mullins, seconded by Ms. Yarbrough, to approve the Order as written. The motion carried.

Judith J. Page, LMT

Ms. Page, a licensed massage therapist, practiced massage therapy at Crystal Chiropractic at 109 Maple Row Boulevard, Hendersonville, TN 37075 while its massage establishment license was expired from about April 2016 to July 2017, and during that time worked at the establishment three days per week, five hours per day. The Consent Order would place Ms. Page's massage therapist license on probation for at least one year. Ms. Page must pay a total of \$750.00 in civil penalties, and the actual and reasonable costs of investigating and prosecuting this case not to exceed \$1,000.00 before the probation can be lifted. A motion was made by Mr. Mullins, seconded by Dr. Bolden, to approve the Order as written. The motion passed.

Agreed Orders

William Alexander, LMT

Mr. Alexander, a licensed massage therapist, co-owns and practices massage therapy at Affinity Acupuncture, a licensed massage establishment in Brentwood, Tennessee. On or about October 31, 2013, Mr. Alexander provided a massage to a female client and during the massage lowered the client's underwear, which made the client uncomfortable. During this massage, Mr. Alexander failed to ensure the client remained properly draped to her level of comfort. The Agreed Order would require that Mr. Alexander's massage therapist license be placed on probation for at least a year; that Mr. Alexander complete at least ten (10) hours of Board approved continuing education that includes significant instruction regarding draping techniques and effective communication with clients and/or boundaries. This is in addition to the continuing education already required for the current CE cycle. Mr. Alexander must pay in full all actual and reasonable costs of investigating and prosecuting this case not to exceed \$3,000.00. After some discussion, a motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve the Order as written. The motion carried.

Baolin Wang, LMT – Relax Massage

Mr. Wang, a licensed massage therapist, previously held the massage establishment license for Blue Sky Massage, establishment license #4007, granted on May 7, 2014 and voluntarily retired in about October 2015. Mr. Wang also previously held the establishment license for Green Massage, establishment license #4009, granted on May 7, 2014 and voluntarily retired in about October 2015. Mr. Wang also previously held the establishment license for Health Massage, establishment license #4010, granted on May 7, 2014 and voluntarily retired in about October 2015. All three of these massage establishment licenses had operated prior to being licensed, and had been granted conditional licenses. Mr. Wang complied with all the conditions for each of the three licenses. Relax Massage at 693 Lee Highway, Suite 800, Chattanooga, TN 37421, owned by Mr. Wang, and was licensed as a massage establishment #4378 from about October 19, 2015 until about November 2016 when Mr. Wang retired the establishment license. This establishment license has not been disciplined at this time. Mr. Wang submitted an application to reactivate the Relax Massage establishment license in about December 2017. The application was complete in March 2018 and Mr. Wang was invited to the May 2018 Board meeting, where Mr. Wang appeared and was interviewed by the Board. During this interview, Mr. Wang stated that he had taken his 2 hours of Tennessee massage statutes and rules course at Mind Body Institute and presented a transcript from Mind Body Institute showing he had completed the course. He stated that due to not speaking English fluently, he had an interpreter with him when he completed the course. Upon questioning this, the Board concluded that Mr. Wang had not had an interpreter at that course. At that May 2018 meeting, the Board voted to deny the reactivation application for Relax Massage based on a finding that Mr. Wang was attempting to deceive the Board about having an interpreter with him at his 2011 Tennessee massage statutes and rules class. Mr. Wang requested a contested case hearing regarding the Board's decision. The proposed Agreed Order would reactivate Mr. Wang's Relax Massage establishment license, with each party bearing their own costs. After some discussion, a motion was made by Mr. Velker, seconded by Mr. Mullins to approve the Order as written. The motion carried.

Litao Liang – Liang Health Spa, Inc.

Mr. Liang was the owner and responsible person for Liang Health Spa, Inc., a licensed massage establishment at 2126 Abbot Martin Road, Suite 218, Nashville, TN 37215. On about May 12, 2017, at least two (2) unlicensed individuals, Jinhui Wang and Lixin Giao, were practicing massage therapy at Liang Health Spa, Inc. The proposed Agreed Order would revoke the establishment license of Liang Health Spa, Inc. Mr. Liang would be required to pay the actual and reasonable costs of investigating and prosecuting this case, not to exceed \$1,000.00. A motion was made by Mr. Velker, seconded by Dr. Bolden, to approve the Order as written. The motion carried.

Ratify Agreed Citations for Lapsed Licenses

Sandra Hurst Johnson, LMT-1806

Ms. Johnson agreed to pay a civil penalty in the amount of \$600.00 for practicing massage therapy on a lapsed license for nine (9) months.

Julie Marie Miller-Wilson, LMT-8147

Ms. Miller-Wilson agreed to pay a civil penalty in the amount of \$200.00 for practicing massage therapy on a lapsed license for five (5) months.

Joseph Anthony Tomlinson, LMT-8878

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

Patricia S. Mason, Owner, Salon Capelli, ME-1786

Ms. Mason agreed to pay a civil penalty in the amount of \$100.00 for operating a massage establishment on a lapsed license for four (4) months.

Scott Courtley, Owner, Courtley Chiropractic, ME-3365

Mr. Courtley agreed to pay a civil penalty in the amount of \$1,100.00 for operating a massage establishment on a lapsed license for eleven (11) months.

Richard & Cheri Ridley, Owner, Ridley & Company, ME-2894

Richard & Cheri Ridley agreed to pay a civil penalty in the amount of \$200.00 for operating a massage establishment on a lapsed license for five (5) months.

Ratify Agreed Citations for Continuing Education Violations

Mary Ann Banner, LMT-9059

Ms. Banner agreed to pay a civil penalty in the amount of \$225.00 for failing to obtain three (3) hours of continuing education during the 2015/2016 continuing education cycle.

Kari Danielle Bell, LMT-7604

Ms. Bell agreed to pay a civil penalty in the amount of \$750.00 for failing to obtain twenty-four (24) hours of continuing education during the 2015/2016 continuing education cycle.

April Rae Marie Brown, LMT-6999

Ms. Brown agreed to pay a civil penalty in the amount of \$175.00 for failing to obtain one (1) hour of continuing education during the 2015/2016 continuing education cycle.

Gretchen Kelsey Carrubba, LMT- 10345

Ms. Carrubba agreed to pay a civil penalty in the amount of \$600.00 for failing to obtain eighteen (18) hours of continuing education during the 2015/2016 continuing education cycle.

Denise Renee Coryell, LMT-161

Ms. Coryell agreed to pay a civil penalty in the amount of \$275.00 for failing to obtain five (5) hours of continuing education during the 2013/2014 continuing education cycle.

Mattie Ladonay Griffin, LMT-7092

Ms. Griffin agreed to pay a civil penalty in the amount of \$475.00 for failing to obtain thirteen (13) hours of continuing education during the 2015/2016 continuing education cycle.

Ashley Marie Hicks, LMT-9947

Ms. Hicks agreed to pay a civil penalty in the amount of \$375.00 for failing to obtain nine (9) hours of continuing education during the 2015/2016 continuing education cycle.

Jennifer R. Kivett, LMT-4403

Ms. Kivett agreed to pay a civil penalty in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2009/2010 continuing education cycle.

Kiley Rae LaFramboise, LMT-8652

Ms. LaFramboise agreed to pay a civil penalty in the amount of \$400.00 for failing to obtain ten (10) hours of continuing education during the 2015/2016 continuing education cycle.

Catherine Louise Mattix, LMT-10473

Ms. Mattix agreed to pay a civil penalty in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2015/2016 continuing education cycle.

Guodong Nie, LMT-9357

Mr. Nie agreed to pay a civil penalty in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2015/2016 continuing education cycle.

Chanel Azeleah Otto, LMT-9453

Ms. Otto agreed to pay a civil penalty in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2015/2016 continuing education cycle.

Carrie Elizabeth Shaver, LMT-1677

Ms. Shaver agreed to pay a civil penalty in the amount of \$250.00 for failing to obtain four (4) hours of continuing education during the 2015/2016 continuing education cycle.

John David Singleton, LMT-8402

Mr. Singleton agreed to pay a civil penalty in the amount of \$775.00 for failing to obtain twenty-five (25) hours of continuing education during the 2015/2016 continuing education cycle.

David Allen Wilson, LMT-9642

Mr. Wilson agreed to pay a civil penalty in the amount of \$575.00 for failing to obtain seventeen (17) hours of continuing education during the 2013/2014 continuing education cycle.

A motion was made by Mr. Velker, seconded by Dr. Bolden, to approve the Agreed Citations for continuing education violations and lapsed licenses. After some discussion, the motion carried.

Ratification of New Licenses and Reinstatements/Reactivations for Massage Therapists and Massage Establishments

Massage Therapists

Elefante Natalie R.	Adams Karen Denise
Embury Samuel Logan	Ahweh Kathy
Heaps Jessica Lynn	Anderson Deborah Ann
Accardo-Williams Laura	Arnold Parsley Jennifer Deirdre
Bauer Megan Loveless	Li Yuan
Birkel Anne Therese	Lie Athenia Summer
Blight Elizabeth Ruth	Lingerfelt Sarah Marie
Bounds Trevor Allen	Liu Yuting
Broughton Michael Todd	Liverpool Indya A
Brown Carmen M	Lovell Elizabeth Anne
Brydum Erika	Maggart Tina Louise
Buggey Andrea Leah	Martin Jamie E.
Campagna Lisa Ann	Maurer Kathryn Marie

Carabia Julie Victoria	Mcclellan Brittany Starr
Clark Christena Ann	Mcdaniel Dora Rose
Clevenger Sherry Nicole	Meyer Nadia
Coppens Joslyn Marie	Miller Ian Lee Maxx
Crowell Matthew Alan-Michael	Milner Patricia Paige
Curd Starla Ann	Minnick Jefferey Wayne
Dickerson Leah Claire	Mohorn Arrie Lynette
Doebler Rachel Marie	Monday Kaila Elicia Monic
Edmonson Sarah Brooke	Morgan Felicia Fawn
Esperanza Tiana	Morgan Rhea Marie
Evans Dana Denise	Mueller Kersten Marianne
Fowler Melanie Nelson	Newman Teresa Nichole
Fuller Maggie Lauren	O'Dell Skyler Shanelle
Girvin Landon Elizabeth	Oliver Malcolm Draper
Goeke Elizabeth Kathleen	Peace Rachell Deneen
Goodson Nena E	Petrowski Jessica Morgan
Graham Martha	Pickens Lorraine Frances
Grooms Laura Blake	Piedad Wendy Michelle
Guo Xiaojie	Pierce Rayven Ashlynn
Hall Holly	Potter Bethany N.
Hasanbegovic Damir	Quinn Catherine Colleen
Hawkins Miriah Elizabeth	Ragan Lou Ann
Holder Angela Michelle	Reagan Katherine Sarah
Hunt Takilya Nicole	Reed Twila Yvette
Jones Cynthia Ann	Roberts Jazmon Aurora
Jones Megan Ann	Rodabough Tina Harris
Keene David W	Roganti Ginger Nichole
Kemmer Carrie Allison	Ross Paula
Kirk William Dewayne	Rust Richard D
Konz Adam Lee	Salisbury Holly Beth
Kusmiy-Sanders Natalya	Sanders Teonica Moni'A
Lewis Grace Danielle	Sashnikova Karina Timurovna
Saunders Harry Lee Jr.	Summers Diana Shayda
Sheets Cynthia J	Swain Aarecca Joy
Shelton Lamorris	Talbert Joseph Cody
Singhurst Sarah Elizabeth	Team Kristin Michelle
Sisson Debra Lee	Vickers Madeline Ross
Smith Danielle Ashe	Wakefield Kara Elizabeth
Smith Julie Anne	Walker Kara Dawn
Songstad Lauren Rechell	Watkins Rebecca Jean
Sparks Ashley Nichole	Wells William John

Spoons Courtney Gail	Williams Jessica Lynn
Stevens Brittany Lauren Mrs.	Yuan Li
Stevens Lexy Brooke	Zhu Jiayong
Street Mollie Kristian	

Massage Therapists Reinstatements

Basora Jennavie Lynn	Marsh Dennis Eugene
Bolden Tabith Rhea	Mckinnon Alena Cecil
Boldt Leslie Carole	Miller-Wilson Julie Marie
Cable Patricia Ann	Rabka Desirae Ann
Chumbley Beverly B.	Seals Nicole Leshea
Cowden Kimberly Blevins	Show Cynthia Jean
Donahue Brent David	Stoller Nicholle Michele
Dugan Angela Leanne	Street Elizabeth Shea
Garcia Billie Sue	Stuffle Cindy Latrell
Glesige Mary Stuart	Tomlinson Joseph Anthony
Goines Michael De'Metris	Vaughn Paula Davina
Johnson Sandra Hurst	White Rachel Leanna
Kirby Leslie Zen	

Massage Establishments

A Berry Special Place	Bridget Fairfield Tn Lmbt
A Touch Of Country	Celeste Cyr Wellness
All Around Southern Mercantile	Clay Murfet Performance At Harper
Alter Ego Salon	Cookeville Touch Therapy
Awe-Inspired Massage	Cynthia L. Malfroid-Ledley Lmt
B Wells Massage	Cynthia'S Massage And Bodywork
Bella Vita Salon	Delta Foot Massage
Breathe	East And West Bodyworks
East Nashville Chiropractic	Senior Center Massage
Eastern Spa	Serenity Massage Bodywork & Wellness
Forward Physical Therapy	Serenity Salon And Day Spa
Fountain Of Hope Counseling & Wellness	Shear Beauty Massage
Get Gorgeous	Sole To Soul Massage & Bodywork
Groundwork Massage	Spa By Jw (C/O Tb All Fees Gp Llc)
Heavenly Touch	Spring Hill Fitness Llc
Hermitage Chiropractic And Rehabilitation	Teresa Faulk Lmt Llc

Jaybell Corporation DbA Tai Chi Massage & Foot Spa	The Body Shop
Jenesis Massage Therapy	Therapeutic Touch Massage
Jenyfer Massage Therapy	Therasage Studio
Jessie'S Massage	Total Health Pllc
Joslyn Marie Coppens	Total Health Pllc
Julie Kim Barr Lmt	Trendsetters Wellness Salon And Spa
Kenai Massage	Uplift Bodyworks
Ljy Us Inc DbA Ljy Reflexology	Wand & Willow Day Spa
Love Life Chiropractic	Yoga Farm
Margaritaburg Llc DbA St. Somewhere Spa	Zen Blossom Massage & Wellness
Massage And Energy Work By Dalton	
Massage By Char	
Mu Spa	
Ohana Hair Salon Llc	
Peak Potential Physiotherapy & Wellness	
Public Markets Inc./Market Massage And Bodywork	
Regen Massage Therapy	
Rejouveance Day Spa & Salon	
Relax 4 You Massage	
Revive Sports Recovery Llc	
Richland Country Club	
Rose Massage Llc	

Massage Establishments Reactivations

Amanda Hagler Lmt	North River Chiropratic
Courtley Chiropractic	Personal Best Fitness Llc
Elevate Mt	Ridley & Company
Jacqueline'S Skin & Image Medical Spa	Salon Capelli Llc
John Hickman Lmt	Solace Therapeutic Massage
Knoxville Reflexology Group Inc.	Sonja Lazarz
Massage Institute Of Cleveland	The Caudle Center
Massage Therapy	The Healing Touch Massage & Wellness
Maven Beauty Spa	Wellness Through Spa
Music City Healing Massage	

A motion was made by Dr. Bolden, seconded by Mr. Velker, to ratify the new licenses, reinstatements, and reactivations for massage therapists and massage establishments. The motion carried.

Ratify Approved Continuing Education Courses

William E. Mullins III, LMT – Intro to Reflexology – 4 hours

William E. Mullins III, LMT – Postural Assessment – 4 hours

William E. Mullins III, LMT – Postural Assessment – 12 hours

Tina M. McMillan, LMT – Massage Therapy & Dementia – 4hours

A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to ratify the approved continuing education courses. The motion carried.

Discuss and Consider Requests for Continuing Education Waivers

Ms. Hodge presented these requests to the Board.

Gail Mira Harris, LMT

Ms. Harris requested a waiver for 24 hours for her 2017/2018 cycle due to health issues. Ms. Harris enclosed a letter from her doctor detailing all of her diagnoses as well as billing information from a surgery. After some discussion, a motion was made by Mr. Velker, seconded by Mr. Mullins, to approve Ms. Harris's waiver request. After further discussion, a vote was taken and the motion passed.

Kaitlyn Sierra Hunt, LMT

Ms. Hunt requested a waiver for 24 hours for her 2017/2018 cycle due to extenuating circumstances regarding her newborn child being seriously injured during 2017. Ms. Hunt sent some medical documentation to support her request. After some discussion, a motion was made by Dr. Bolden, seconded by Ms. Jagers, to approve Ms. Hunt's waiver request. The motion carried.

Review Board Correspondence

Julie Wray & Tennessee Massage Therapist – Body Tempering

The Board reviewed this letter in its entirety. At the Board's request, Ms. Hodge gave a summary of the letter's contents. A group of Cookeville based massage therapists have concerns about performing "body tempering", a new modality that involves rolling a weighted instrument back and forth over the body. These therapists ask for the Board's guidance on this new modality, specifically, on whether a massage license is required to perform "body tempering".

After some discussion, and hearing from Ms. Hodge and Mr. Guilford, the Board's consensus was that "body tempering" is within the scope of practice of a massage therapist. The Board stated that absent another healthcare license that would cover "body tempering" in its scope of practice, a person must have a massage therapist in order to perform this modality for compensation in Tennessee.

Cher Farnsworth – CBD Oil

The Board reviewed this letter in its entirety. The Board heard from Mr. Guilford, who stated that it is not within the Board's purview to advise on whether CBD oil is legal to use in Tennessee. Mr. Guilford further recommended that a therapist wanting to use or sell this substance consult their own attorney about whether it is legal and/or advisable. After some discussion, during which it was pointed out that this product is not regulated, the Board chose not to issue a response to this letter.

Gary Genna at Roane State – Email to Applicant

The Board reviewed this email chain in its entirety. At the Board's request, Ms. Hodge summarized and read sections directly from the series of emails between Mr. Genna and an applicant for licensure as a massage therapist who had been educated out of state. Mr. Genna's response was inaccurate. The Board heard from Mr. Guilford, who recommended that he and Ms. Burke work on drafting a letter to send to Mr. Genna regarding the inaccuracy of the information he is providing, and how that adversely impacts the applicants, the Board, and the administrative office in the timely and effective processing of applications.

Discuss and Take Action if Needed Regarding a Rule Change for the Continuing Education Audit Process

The Board heard from Mr. Guilford that there was nothing to take action on at this time.

Discuss and Take Action Regarding Rescinding Policy Regarding Applicants on Criminal Probation

The Board heard from Mr. Guilford about the impact the "Fresh Start Act" has on this policy. The policy as it stands suggests that an applicant on criminal probation will have their application for licensure denied based only on that fact. This conflicts with the provisions of the "Fresh Start Act". A motion was made by Dr. Bolden, seconded by Mr. Mullins, that the Board rescind this policy. Mr. Guilford recommended leaving the policy regarding applicants with criminal convictions be retained as written. After some discussion, the motion carried.

A motion was made by Dr. Bolden, seconded by Mr. Mullins, to adjourn the meeting for the day. The motion carried and the meeting adjourned at 7:40 p.m.

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
August 14, 2018

Time: 9:00 a.m. C.S.T.

Location: 665 Mainstream Drive
HRB Conference Center
1st Floor, Iris Room
Nashville, TN 37243

Members Present: Marvis A. Burke, LMT, Chairperson
Ed Bolden, LMT
Bill Mullins, LMT
Michael Velker, Citizen Member
Virginia P. Yarbrough, LMT

Member Absent: Cynthia Jagers, LMT, Secretary
Christi Cross, Citizen Member

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

The meeting was called to order at 9:12 a.m. by Ms. Marvis Burke, Chairperson. Prior to conducting business, Kimberly Hodge conducted a roll call to establish a quorum. A quorum was established.

Investigations/Disciplinary Reports

These reports were presented by Ms. Lori Leonard. Currently being monitored by the Office of Disciplinary Coordinator: 54 massage therapists on probation; 28 massage therapists under a Board Order (reprimand); 29 massage therapists on suspended status; 16 massage therapists with licenses revoked; 3 therapists on TSAC suspension; and 3 therapists on suspension due to non-payment of child support. As of this date, there have been 72 massage complaints in 2018; 1 of those was for false billing; 5 of those were for sexual misconduct; 3 for criminal charges; 10 for unlicensed practice; 30 for unprofessional conduct; 2 for violation of Order; 1 for lapsed license; 2 for criminal convictions; and 18 for continuing education violations. So far this year, Investigations has closed 58 complaints: 28 went to the Office of General Counsel for discipline; 14 were closed without sufficient evidence to discipline; 4 were closed with a letter of concern; and 12 were closed with a letter of warning, which is not reportable to any data bank. The Office of Disciplinary Coordinator is currently monitoring 24 massage establishments.

Investigations has received 24 new complaints for massage therapists in 2018: 1 for sexual misconduct; 17 for unlicensed practice; 4 for unprofessional conduct; and 2 for lapsed licenses. The total of closed complaints for 2018 is 36: 16 were sent to the Office of General Counsel for discipline; 16 were closed without sufficient evidence to discipline; 3 were closed with a letter of concern; and 1 was closed with a letter of warning. For massage therapists, there are currently 52 open complaints that are being investigated and/or reviewed. For massage establishments, there are 17 open complaints currently being investigated and/or reviewed. The Board had no questions about this report.

Contested Cases

The administrative law judge, Joyce Bond, introduced herself, explained her role in today's contested case proceedings, and began calling the contested cases for the day.

Yue Dong

Mr. Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. Ms. Dong was present and represented by her attorney, Mr. Martin Cooperman. The interpreter, Ms. Jiao Hoggard, translated the proceedings for Ms. Dong. Ms. Dong appeared to appeal the Board's previous denial of her application for licensure as a massage therapist. Mr. Cooperman stated that Ms. Dong stipulated to the following facts: Ms. Dong graduated from Santa Ana Beauty College in May 2016; Ms. Dong submitted an application for licensure as a massage therapist in Tennessee on April 24, 2017; Ms. Dong submitted with her application an immigration status document which had an expiration date before the Board meeting; Ms. Dong was unable to obtain the required additional immigration documentation and provide to the Board's administrative office until July 14, 2017; the Santa Ana Beauty College was an approved school when Ms. Dong attended it and graduated from it; and as of June 8, 2017, the Santa Ana Beauty College was no longer on the California Massage Therapy Council approved list. Mr. Guilford stated that the State agrees to those stipulations. Before hearing from Ms. Dong, the interpreter, Ms. Jiao Hoggard, was sworn in. Ms. Dong testified that she attended and graduated from the Santa Ana Beauty College. Mr. Cooperman entered as evidence Ms. Dong's certificate of completion, official transcript, and notes that Ms. Dong had taken in Mandarin during classes at Santa Ana Beauty College. Ms. Dong stated that she had passed the MBLEx exam, and Mr. Cooperman submitted copies of her test scores in evidence. In response to questions from Mr. Guilford, Ms. Dong testified that she speaks some English, and that she was able to pass the MBLEx exam that was given in English. She stated that her spoken English is good enough to communicate with clients who do not speak Mandarin. She testified that if she is licensed, she plans to practice close to her home in Mount Juliet, Tennessee. In response to Dr. Bolden's questions, Ms. Dong testified that most of her classes were completed on a computer at Santa Ana Beauty College, and that she had attended no other massage schools, with the exception of completing her five (5) hour course on Tennessee massage law at Mind Body Institute, LLC in Nashville, Tennessee. Ms. Dong described her classes at Santa Ana Beauty

College, and stated that she went to school Monday through Friday at Santa Ana Beauty College, eight (8) hours each day. Ms. Dong testified that she studied for the MBLEx exam using textbooks and memory work. Ms. Dong answered questions from the Board regarding her spoken English proficiency and why she had allowed her immigration documents to expire. Ms. Dong's husband, Mr. Odell Binkley, testified that Ms. Dong received a "work card" that expired, so she applied for another. Mr. Binkley testified that it took over seven (7) weeks to get a "work card" renewed, and during that process, Ms. Dong's "work card" expired. In Mr. Binkley's opinion, Ms. Dong speaks English very well. Mr. Binkley testified that when Ms. Dong recently applied for a "marriage visa", they discovered that the government is still processing those applications from 2015. Mr. Guilford submitted into evidence Ms. Dong's full application including the previous denial letter. Mr. Guilford also stated that he had included Ms. Hodge on his list of proof/witnesses in case the Board wished to ask her any questions. Mr. Guilford also submitted into evidence copies of some California statutes regarding massage therapy and a printout from the California Massage Therapy Council website, establishing the un-approval date of Santa Ana Beauty College. Ms. Hodge was sworn in. Ms. Hodge testified to the discrepancies on the transcripts received from Santa Ana Beauty College for Ms. Dong.

After much deliberation, a motion was made by Mr. Velker, seconded by Ms. Yarbrough, to approve Ms. Dong's application for licensure as a massage therapist. After further deliberation, mainly concerning discrepancies in the transcripts received from Santa Ana Beauty College, a motion was made by Mr. Velker, seconded by Ms. Yarbrough, to change his original motion to approval of a contingent license as a massage therapist. The license was contingent upon Ms. Dong's completion of 5 hours of Health Sciences from an approved Tennessee massage school. The motion carried. A motion was made by Mr. Velker, seconded by Mr. Mullins to accept the findings of fact with the correction of the date in item 7 to "June 8" and the addition of item 11, petitioner was found to be five (5) hours short of the science requirement. The motion carried. A motion was made by Dr. Bolden, seconded by Dr. Velker, to adopt the allegations of law in total, changing number 11 to number 12. The motion carried. A motion was made by Dr. Bolden, seconded by Mr. Velker, proposing the following statement of policy: Having reviewed these materials, the Board believes that our decision is in the best interest of public protection and hereby makes this order to protect the health, safety and welfare of the public. The motion carried.

Adia Apple Williams

Ms. Patria Morgan, Assistant General Counsel, represented the Tennessee Department of Health. Ms. Williams was not present at this meeting. A motion was made by Ms. Morgan to proceed in default. Ms. Morgan proceeded to document the ways the Office of General Counsel had contacted or tried to contact Ms. Williams about the May hearing of her contested case as well as the continuance to the August Board meeting. This documentation was deemed reasonable by the judge, and a motion was made by Dr. Bolden, seconded by Mr. Mullins, to proceed in default. The motion carried. Ms. Morgan distributed the notice of charges to the Board members. Ms. Williams was a licensed massage therapist in Tennessee until her license expired on February 28,

2018. On March 11, 2016 the Board ratified a Consent Order stemming from Ms. Williams's failure to complete the required continuing education in 2011 and 2012. This Order required, among other things, that Ms. Williams complete a total of thirty-one (31) continuing education hours by March 11, 2017, pay costs assessed, and pay civil penalties totaling \$1,550.00. Ms. Williams has not shown evidence of completing the required 31 hours, and has failed to pay the remaining civil penalty balance of \$1,450.00 and the \$314.17 cost assessment. Ms. Morgan presented in evidence the affidavit of Kimberly Hodge, Director of the Massage Board, and the affidavit of Lori Leonard, Disciplinary Coordinator for the Health Related Boards. Ms. Morgan submitted to the Board a proposed Order. The proposed Order would suspend Ms. Williams's massage therapist license until Ms. Williams has shown evidence of completion of the required thirty-one (31) continuing education hours, after which her license can be put on probation until she pays the \$314.17 cost assessment and the remaining \$1,450.00 in civil penalty, and has paid in full or has agreed to a payment plan in writing with the Disciplinary Coordinator regarding the new civil penalties and costs assessed pursuant to this order. This order would add a civil penalty in the amount of \$500.00 for failure to comply with the previous Order, and Ms. Williams would have to pay the actual and reasonable costs of prosecuting this case, not to exceed \$3,000.00. After deliberation, a motion was made by Dr. Bolden, seconded by Mr. Velker, to approve the findings of fact as written. The motion carried. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the conclusions of law as written. The motion carried. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to accept the proposed Order as written. The motion carried. A motion was made by Dr. Bolden, seconded by Ms. Yarbrough, to approve the Policy Statement as written. The motion carried.

Consent Orders

Margaret Leslie

Ms. Leslie was a licensed massage therapist until her license expired on May 31, 2015. From May 2015 through at least August 2017, Ms. Leslie practiced massage therapy on her lapsed license, performing about one massage per week during this time. Mr. Guilford presented a proposed Consent Order which would place Ms. Leslie's massage therapist license on probation. The probation would continue until Ms. Leslie pays civil penalties totaling \$900.00 as well as the actual and reasonable costs of prosecuting this case, not to exceed \$2,000.00. A motion was made by Mr. Velker, seconded by Ms. Yarbrough, to approve the Consent Order as written. The motion carried.

Matthew Shankula

Mr. Shankula is a licensed massage therapist. In January 2018, Mr. Shankula massaged a female client at her home. During the massage, Mr. Shankula engaged in sexual activity with the client. Mr. Guilford presented a proposed Consent Order which would place Mr. Shankula's massage therapist license in voluntarily surrendered status, and require Mr. Shankula to pay the actual and reasonable costs of investigating and prosecuting this case, not to exceed \$2,000.00. A motion

was made by Mr. Velker, seconded by Mr. Mullins to approve the Consent Order as written. The motion carried.

Ms. Kasalis

Ms. Kasalis requested to Mr. Guilford to withdraw her reinstatement of her massage therapist application. Mr. Guilford told her the Board had already denied her application. The Board chose not to take any action on this matter

Diana Budde, LMT – Dedmon Chiropractic

Ms. Budde is a licensed massage therapist. Ms. Budde owns and is the responsible person for the massage establishment Dedmon Chiropractic, 193 Thompson Lane, Nashville, TN 37211. The massage establishment license for Dedmon Chiropractic expired on about July 1, 2015 and remained expired until its reactivation in November 2016. Ms. Budde continued to practice massage at this establishment while its license was expired, performing about 15 to 20 massages per week. Ms. Budde stated that no other massage therapists practiced at this establishment while its license was lapsed. Mr. Guilford presented a proposed Consent Order which reprimand Ms. Budde's establishment license and placed the establishment and Ms. Budde's massage therapist license on probation until at least June 30, 2019. Both licenses would stay on probation until Ms. Budde paid all civil penalties totaling \$1,750.00 as well as all actual and reasonable costs of prosecuting this case, not to exceed \$2,000.00. A motion was made by Mr. Velker, seconded by Dr. Bolden, to approve the Consent Order as written. The motion passed.

Amanda Lea Eccard

Dr. Bolden had reviewed the information Ms. Eccard submitted yesterday. Dr. Bolden stated that the hours reflected on the transcript are more than are reflected in the catalogue. Dr. Bolden was unable to find anything in the documentation that would change the previous educational evaluation. The Board chose not to take any new action on this file.

The meeting was adjourned at 12:30 p.m.