

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
May 7, 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
Christi Cross, Citizen Member
Bill Mullins, LMT
Michael Velker, Citizen Member
Virginia P. Yarbrough, LMT

Staff Present: Angela Lawrence, Unit 3 Director
Kimberly Hodge, Board Director
Marc Guilford, Office of General Counsel

The meeting was called to order at 9:13 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.

Ms. Hodge introduced Ms. Angela Lawrence, new Director for Unit 3. The Massage Board's administrative office is now a part of Unit 3.

Financial Report

Ms. Noranda French presented the mid-year fiscal report. Ms. French said that the fiscal department will now be sending quarterly reports by spreadsheet workbook to unit directors in an effort to better communicate within the division. Ms. French provided the Board with spreadsheets documenting actual and projected FY 2018 expenditures, revenues, current year net, and surplus/deficit numbers, as well as line and bar graphs documenting a comparison of the first halves of FY 2017 and FY 2018. In comparing FY 2017 and FY 2018 to date expenses, direct expenditures seemed to be on track both years. Ms. French pointed out that two (2) peaks representing expenditures covered by professional services one year and grants and subsidies the

other year were re-coded so that they appeared differently from one year to the next, but that this was due to the change in coding and not a concern. Allocated expenditures for administrative expenses for the current FY through December 31 2017 was slightly higher than the previous year; for investigative expenses, considerably lower; for legal, slightly lower; and for the cash office, slightly higher. The Board's total expenditures for FY 2018 through December 31, 2017 were \$260,745.75; revenue of \$368,017.78; current year net of \$107,272.03; and cumulative carryover of \$1,086,242.79. The Board's projected totals for FY 2018 are total expenditures of \$629,913.17; revenue of \$736,035.56; year net of \$106,122.39; and cumulative carryover of \$1,065,917.26. Ms. French stated that these numbers are trending as they should, and that at this time, the Fiscal Office has no concerns about this Board.

Minutes

Upon review of the February 12 & 13, 2018 minutes, Dr. Bolden made a motion, seconded by Ms. Cross, to approve the minutes as written. The motion carried. Ms. Burke introduced Ms. Jiao Hoggard, interpreter for the applicant interviews. Ms. Hoggard confirmed that was able to communicate effectively with all the applicants that requested an interpreter.

Applicant Interviews

Baolin Wang, LMT – Relax Massage

Mr. Wang applied for reactivation of his massage establishment license for Relax Massage at 6933 Lee Highway, Suite 800, Chattanooga, TN 37421, and appeared before the Board to address concerns with his attorney, Ms. Wang. The translator, Ms. Hoggard, translated the Board's questions regarding Mr. Wang's application for a massage establishment application. This application was deferred from the Application Review Committee (ARC) due to the following concerns: The establishment previously went under the name "Everyday Health" with Bing Ji as the owner, and Mr. Ji's application for an establishment license for this location was denied at the February 2018 Board meeting; Mr. Wang's stated address shows that he lived 3 hours and 20 minutes away from the establishment he is applying for; Mr. Wang stated that he was the only person staying in the establishment he currently worked at when he is in town, but multiple MT have listed this as their home address; Mr. Wang's massage therapist license was disciplined in 2015 for working in an unlicensed establishment; and Mr. Wang's massage therapist license was also disciplined for deficiency in his continuing education requirements. The Board heard from Mr. Wang and Mr. Mullins, who was the Board member present at the ARC meeting, as well as Mr. Guilford, and Ms. Maj Li Nash of Mind Body Institute, LLC. After discussion, Ms. Cross made a motion, seconded by Ms. Jagers, to deny Mr. Wang's massage establishment license application. Dr. Bolden abstained from the vote. The motion carried.

Shuangyan Yang – Soothing Massage

Ms. Yang applied for a massage establishment license for Soothing Massage at 1139 NW Broad Street, Suite 106, Murfreesboro, TN 37129, and appeared before the Board to answer concerns that came up at the ARC meeting regarding: Ms. Yang's relationship with Mr. Mark McMahon, who completed her application for her, and who previously owned an establishment license at this address and is wanting to retire his license; Ms. Yang indication that she currently lives in Minnesota; Ms. Yang statement at the ARC meeting that she is planning to hire a massage therapist whose name she does not know, and who has not completed massage school yet, and that Ms. Yang could not give any proof that this person was in school; and Ms. Yang could not provide any information about where she went to school to become a massage therapist in Minnesota. The interpreter, Ms. Hoggard, translated the Board's questions to Ms. Yang. The Board heard from Ms. Yang, Ms. Hodge, and Mr. Charles West, who provided Ms. Yang's 2 hour Tennessee massage law class for her massage establishment application, and Mr. Guilford. Mr. Charles West stated that Ms. Haiyan McMahon came to the class with Ms. Yang and helped translate for Ms. Yang. Ms. Yang was unable to identify the individuals who wrote the recommendation letters for her establishment license application. Ms. Yang did identify a licensed massage therapist who would be working in her establishment, although she did not put this information on her establishment application. Ms. Hodge confirmed that this person has a current, active Tennessee massage therapist license. A motion was made by Ms. Cross, seconded by Ms. Jagers to deny Ms. Yang's application for a massage establishment license. Mr. Velker abstained from the vote. The motion carried.

Lina Hall, LMT – Chinese Pressure Massage

Ms. Hall applied for a massage establishment license for Chinese Pressure Massage, and was not present at this meeting. A motion was made by Ms. Cross, seconded by Mr. Velker, to proceed in default. The motion carried. After some discussion, a motion was made by Ms. Cross, seconded by Dr. Bolden, to deny Ms. Hall's application for a massage establishment license due to previous discipline on Ms. Hall's massage therapist, which includes a consent order stating that she is not allowed to own a massage establishment license. The motion carried.

Xiaojie Guo

Ms. Guo applied for a massage therapist license, and appeared to provide clarification regarding her school information. Her first application was denied at the February 2018 Board meeting because the school she attended in Florida, Tokyo Beauty and Massage School, had inconsistencies in its address, putting it in violation with the Florida Board; inconsistencies between the transcript and breakdown of hours; and because the education as presented fell short of the Tennessee Board's requirements for licensure. At that meeting, the Board voted that, should the Florida Board of Massage confirm that the school is currently approved and in good standing, Ms. Guo may reapply for a Tennessee massage therapist license with the application fee waived. The interpreter, Ms. Hoggard, translated the Board's questions to Ms. Guo. Mr. Guilford stated that he had spoken with the school-approving board in Florida, and discovered

that the school had filed a change of address with the Florida secondary education body, and that this information failed to get to the Florida massage board. The Florida massage board confirmed that the school is no longer considered to have been in violation, and is approved for licensure purposes in Florida. Ms. Hodge confirmed that Ms. Guo has completed the required missing hours of education. A motion was made by Mr. Velker, seconded by Ms. Cross, to approve Ms. Guo's application for licensure as a massage therapist. The motion carried.

He Zhang

The applicant was not present, and Ms. Cross made a motion, seconded by Mr. Velker, to proceed in default. Ms. Hodge asked that this application be moved to later in the agenda so that she could check on some information about the application. Dr. Bolden made a motion to postpone the question of proceeding in default until Ms. Hodge could provide new information. Ms. Cross seconded the motion, and the motion carried. Ms. Burke thanked Ms. Hoggard for her service to the Board at this meeting. This application was deferred to the next Board meeting.

Natalie R. Elefante

Ms. Elefante applied for a massage therapist license, and was present at this meeting to answer questions regarding her file and interactions with TnPAP. Ms. Elefante requested TnPAP services in January 2018, and a drug test at that time came back positive for amphetamine and ecstasy. A second test came back negative. On April 7, 2018 Ms. Elefante agreed to execute a monitoring agreement with TnPAP. Mr. Guilford stated that a conditional license could be issued upon Ms. Elefante signing a monitoring agreement and complying with all TnPAP requirements, including having no positive drug tests for a period of at least six (6) months. The Board heard from Ms. Elefante, Mr. Guilford, and Ms. Elaine Eaton, Administrative Director of TnPAP. A motion was made by Ms. Cross, seconded by Mr. Velker, to approve a conditional license, based upon Ms. Elefante being in compliance with TnPAP requirements. Mr. Mullins recused himself from the vote. The motion carried.

Jessica Heaps

Ms. Heaps applied for a massage therapist license, and appeared at this meeting to answer concerns regarding her employment history, and review of her TnPAP evaluation. The Board heard from Ms. Heaps. Ms. Heaps explained that she had worked sporadically at non-massage positions over the past 5 years, and that she was in the process of completing TnPAP's requirements. A motion was made by Ms. Cross, seconded by Dr. Bolden, to approve a conditional license based upon maintaining compliance with TnPAP requirements. The motion carried.

Gideon G. Pogue

Mr. Pogue applied for a massage therapist license, and appeared at this meeting to answer concerns regarding his TnPAP evaluation. Mr. Pogue's drug screen came back positive for a narcotic. TnPAP made multiple attempts to contact Mr. Pogue, and communicated with Mr. Pogue regarding their requirements. TnPAP reported that Mr. Pogue did not comply with their requirements. The board heard from Mr. Pogue and Ms. Elaine Eaton, Administrative Director for TnPAP. Mr. Bolden spoke to Mr. Pogue's documented behavior with the administrative staff, which Mr. Bolden found unacceptable for a professional. Mr. Pogue maintained that he did not have an addiction or any problem with controlled substances. Mr. Pogue stated that he had a prescription for the medication that caused his positive drug test, but had no proof with him at the meeting. Mr. Pogue further stated that he felt his medical history, including the prescriptions from his doctor, were confidential. Ms. Eaton stated that Mr. Pogue had not put any medications on the pre-screening form, and only mentioned being on a medication upon having a positive result to the drug test. TnPAP did not have enough information to state that Mr. Pogue was safe to practice. A motion was made by Ms. Cross, seconded by Mr. Velker, to deny the application. Upon Ms. Cross modifying her motion to include previous convictions as a reason, Mr. Velker withdrew his seconding. Dr. Bolden seconded the modified motion. The motion carried.

Emily A. Reece

Ms. Reece applied for a massage therapist license, and did not appear at this meeting. A motion was made by Ms. Cross, seconded by Mr. Velker, to proceed in default. The motion carried. A motion was made by Mr. Velker, seconded by Dr. Bolden, to deny Ms. Reece's application due to non-compliance with TnPAP's requirements. Ms. Cross made a motion to amend the motion to include Ms. Reece's recent criminal convictions as grounds for denial. Mr. Velker duly modified his motion to reflect these grounds, seconded by Dr. Bolden. The motion carried.

Brian L. Barham, LMT – Oriental Wellness Massage

Mr. Barham applied for a massage establishment license for Oriental Wellness Massage at 2021 N Highland Avenue, Unit A-18, Jackson, TN 38305, and was not present at this meeting. A motion was made by Ms. Cross, seconded by Ms. Yarbrough, to proceed in default. The motion carried. The Board heard from Ms. Hodge about the history of this establishment, which has been open without an establishment license. Mr. Barham stated at the ARC meeting that it was not open, then admitted that it was open. Mr. Barham also had no knowledge of who the therapists were who were working at the establishment, or who he would have working at the establishment should the Board grant the license. The lease was originally in a Mr. Xu's name, then in Mr. Barham's name. Then the lease was taken out of Mr. Barham's name and was not in Mr. Barham's name at the time of the Board meeting. A motion was made by Ms. Cross, seconded by Mr. Mullins, to deny Mr. Barham's application for the massage establishment license. The motion carried.

Jessica Smiley-Hedrick, DC – Smiley Family Chiropractic Clinic

Dr. Hendrick applied for a massage establishment license for Smiley Family Chiropractic Clinic, and was present at this meeting to answer concerns regarding operating the establishment without a license from at least January 2015, and for months after being informed by one of the massage therapists employed there that she needed a license for her establishment. Dr. Hendrick also allowed a massage therapist to practice on a lapsed therapist license at this establishment. The Board heard from Dr. Hendrick, Mr. Mullins, and Ms. Hodge. Dr. Hendrick stated that she did these things because she was unaware of the Rules and Statutes governing massage, and that she had delegated submission of the establishment application to someone else since she was very busy with her chiropractic practice. Dr. Hendrick also stated at the Board meeting that she actually had massage therapists working at her establishment since 2002, even though at the ARC meeting and in her application she indicated that January 2015 was when her establishment first started offering massage. Ms. Hodge stated that at the ARC meeting a recommendation had been made to grant Dr. Hendrick a conditional license pending payment of civil penalties, but afterwards it was discovered that the establishment had been offering massage for a much longer time than what Dr. Hendrick had told the ARC committee, it was decided to bring her before the Board. Mr. Mullins spoke to the calculations used to assess the civil penalties that were based on the information the committee had at that time. Ms. Hodge spoke to the policy used to make those calculations. Ms. Hodge also spoke to the fact that Ms. Lori Fritts, a massage therapist whose license had lapsed, had originally submitted a massage establishment license application for this location. After much discussion, a motion was made by Mr. Velker, seconded by Ms. Cross, to approve a conditional license on probation until the civil penalties of \$25,000.00 is paid, with payment in full not to take more than 2 years' time. After a roll call vote, the motion failed. After further discussion, a motion was made by Ms. Cross to approve a conditional license on probation until the civil penalties of \$25,000.00 is paid, with payment in full not to take more than 2 years' time. The motion failed. A motion was made by Dr. Bolden, seconded by Mr. Velker, to approve a conditional license on probation until payment is complete for a civil penalty of \$19,350.00, which is to be paid in full within 2 years. The motion carried.

Nicole Seals – Continuing Education Violation

Ms. Seals applied for reinstatement of her massage therapist license, and appeared before the Board to answer concerns regarding not completing required continuing education requirements for the cycles of 2009/2010 and 2013/2014. The Board heard from Ms. Seals, Ms. Hodge and Mr. Guilford. Ms. Seals spoke to having health issues during this time which kept her from completing the required hours, and provided some evidence of these health conditions. According to the federal disability paperwork submitted, Ms. Seals was considered permanently disabled starting in 2012. Ms. Seals stated that her health condition changed in December 2017 when she received a different diagnosis and different medical treatment. A motion was made by Dr. Bolden, seconded by Mr. Mullins, to approve a conditional license with \$775.00 in civil penalties to be paid in full within 1 year, and the completion of 31 hours of continuing education by the end of this continuing education cycle. The motion carried.

Taucha M. Stewart – Continuing Education Violation

Ms. Stewart applied to reinstate her massage therapist license. She appeared before the Board to answer concerns regarding her failure to complete 4 hours of continuing education, including 2 hours of ethics and 2 hours of Tennessee massage law, for the cycle of 2011-2012. The Board heard from Ms. Hodge and Ms. Stewart. Ms. Stewart spoke about her health and family concerns during this time. Ms. Hodge spoke to Ms. Stewart needing 8 more live continuing education hours for reinstatement, and the 4 hours plus 6 penalty hours to complete requirements of the consent order for her 2011-2012 continuing education cycle. A motion was made by Ms. Cross, seconded by Mr. Mullins, to approve a conditional reinstatement of Ms. Stewart's license with the condition that Ms. Stewart first complete 18 hours of continuing education and pay \$500.00 civil penalties, and that this must be completed in full within 6 months. The motion carried.

Jennifer L. Brewington – Alter Ego Salon

Ms. Brewington applied for a massage establishment license for Alter Ego Salon at 105 West End Heights, Lebanon, TN 37087, and was present at this meeting to respond to questions regarding her referral to TnPAP. Ms. Burke noted that Ms. Brewington had complied with all TnPAP requirements. Ms. Hodge spoke for Ms. Brewington, who had just had surgery and as a result was unable to speak at the meeting. Ms. Hodge presented Ms. Brewington's apologies and explanation for the charges on her background check. Dr. Bolden made a motion, seconded simultaneously by Ms. Cross and Mr. Velker, to approve Ms. Brewington's application for a massage establishment license. The motion carried.

Tennessee Professional Assistance Program Statistical Report regarding the Peer Assistance Program

Ms. Elaine Eaton, Administrative Director, brought the TnPAP report as of March 31, 2018. TnPAP was at that time monitoring eleven (11) massage therapists. Five (5) of these individuals are being monitored pursuant to a Board Order. Between July 1, 2017 and March 31, 2018 TnPAP received nineteen (19) referrals, eighteen (18) from the Board administrative office and one (1) from an employer. Nineteen (19) individuals were referred due to their arrest history and one (1) for workplace impairment. During this time, five (5) monitoring agreements were effective, and eight (8) files were closed. Out of the closed files, one (1) was closed when the monitoring agreement was successfully completed; four (4) files were closed because the individuals declined services after an evaluation; and three (3) files were closed after evaluation when no monitoring agreement was executed. As of March 31, 2018, six (6) evaluation reports and seven (7) monitoring agreements were pending. Expenditures for this time included \$15,500.00 for toxicology screens and \$5,625.00 for evaluations, coming to a total of \$21,125.00.

Review Board Correspondence

Maj Lis Nash – Birchwood 2 hour TnPAP video

Ms. Angela Lawrence, Director for Unit 3, summarized this email for the Board. Ms. Nash raised concerns with login difficulties with the video, especially because the schools are using this in a classroom setting. It appears that Birchwood had changed the login passcode and had not informed anyone at the Board office, at TnPAP, or at the schools. Ms. Nash recommends consideration of other support for the video other than Birchwood, if these issues cannot be resolved. The Board heard from Ms. Elizabeth Birchwood. Ms. Birchwood stated that the system was designed for individual use, not for classroom use. She stated that for security reasons, the code must be changed on a regular basis. She stated that in future, she can email the changed passcode to the schools. The Board requested that Birchwood create a code for each school to use with their required classes, and that a system be devised to regularly report to the Board which schools are using the video with their student as required. Mr. Guilford and Ms. Hodge will work with Birchwood to come up with this reporting system.

School Approvals/School Program Changes

Massage Institute of Cleveland – Lela Maddux, LMT and Tabitha Payne, RN

Ms. Maddux and Ms. Payne are purchasing the college, and have applied with THEC. THEC requires the Board's approval of the massage program. The Board heard from Ms. Hodge, Mr. Guilford, and Dr. Bolden as Board educational consultant. A motion was made by Dr. Bolden, seconded by Ms. Cross, to approve the massage program at Massage Institute of Cleveland. The motion carried.

Investigation/Disciplinary Report

Lori Leonard, Disciplinary Coordinator, brought the Investigations and Disciplinary Report. 55 therapists on probation, 24 under board order (reprimand), 29 under suspension, 16 under revocation 3 TSAC suspensions, 3 child support suspensions. Therapists 24 complaints, closed complaints 18, 5 went to OGC, 8 closed no action, Establishments monitoring 10 revocations, 8 probations, 20 new complaints, closed 10, 4 to OGC, 5 no action, 1 closed letter of warning.

Monitoring for Licensees Who Move Out of State

Ms. Elaine Eaton, Administrative Director of TnPAP, spoke to the possibility of TnPAP monitoring licensees who move out of state. She stated that TnPAP could do this if the Board wished. Ms. Eaton also spoke to how it works with other boards who do monitor licensees out of state. Ms. Eaton stated that other state's monitoring programs differ greatly from state to state. After discussion, the Board decided that monitoring and testing must be done by TnPAP if the licensee is working in Tennessee, regardless of the licensee's home address.

Kayla B. Cornwell – Complexions

Ms. Cornwell applied for a massage establishment license for Komplexions at 629 Asheville Highway, Greeneville, TN 37743, and reinstatement of her massage therapist license, and was present at this meeting by telephone. Ms. Cornwell worked on a lapsed massage therapist license at an unlicensed establishment. The Board heard from Ms. Cornwell, Mr. Guilford, and Ms. Hodge. Ms. Cornwell stated that since February of 2017, she had only 2 clients, and estimated she provided 7 massages. Ms. Cornwell stated that she has a cosmetology license for Komplexions. Mr. Guilford asked Ms. Cornwell about advertising for massage on her Facebook page went back longer than February 2017. Ms. Cornwell stated that another licensed massage therapist who owned a massage establishment license for her location did massage during this time. She stated that some of her friends posted false massage reviews on her Facebook page in 2016. Ms. Cornwell stated that one of these friends was Elizabeth McPeck, who worked at Komplexions as a massage therapist using her own massage establishment license at that location. Ms. Cornwell stated that when Ms. McPeck left and took her establishment license with her, Ms. Cornwell thought that since she owned the shop, she did not have to have a massage establishment license. She stated that when she spoke to her TN massage law instructor, Richard Ridley, at Appalachian Training Center for Healing Arts, she was told that since she owned the location, she did not need a massage establishment license. After discussion, a motion was made by Ms. Cross, seconded by Dr. Bolden, to deny both the application to reinstate the massage therapist license and the application for a massage establishment license. The motion carried.

Administrative/Director’s Report

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

STATISTICAL REPORT

As of May 2, 2018 there were 4,359 licensed massage therapists and 1,735 licensed massage establishments.

Following is the license status since the last meeting:

THERAPISTS	ESTABLISHMENTS
February 2018	February 2018
Newly Licensed – 28	Newly Licensed – 20
Reinstate Applications – 5	Reinstate Applications – 6

Retired- 9	Retired – 5
New Applications- 44	New Applications- 25
	Address Change Application - 11

THERAPISTS	ESTABLISHMENTS
March 2018	March 2018
Newly Licensed – 42	Newly Licensed – 31
Reinstate Applications – 19	Reinstate Applications – 7
Retired- 20	Retired – 5
New Applications- 30	New Applications- 23
	Address Change Application - 7

THERAPISTS	ESTABLISHMENTS
April 2018	April 2018
Newly Licensed – 52	Newly Licensed – 13
Reinstate Applications – 4	Reinstate Applications – 11
Retired- 12	Retired – 9
New Applications- 39	New Applications - 27
	Address Change Application - 8

INTERNET

The Board’s internet website is an excellent location to place valuable board information for licensees and applicants. Please visit the Board’s website at <https://www.tn.gov/health/health-program-areas/health-professional-boards/ml-board.html> and let us know if you have anything you would like to add under the noteworthy section. The administrative staff is asking that all Board members get the word out about renewing online and would ask the Board members use this tool to renew their licenses.

BUDGET/TRAVEL ISSUES

The In-state lodging rate is \$170.00

The standard mileage rate is \$0.47 a mile

The In-state meals & incidentals is \$44.25 a day

The Overnight meals & incidentals is \$59.00 a day

Continuing Education Audit Report

Ms. Kimberly Hodge brought this report. The report covered the verification and audit periods between July 2017 and December 2017. During this time, eighty-four (84) massage therapists were audited. Thirty-five (35) or 42% were compliant; Forty-nine (49) or 58% were non-compliant. Dr. Bolden commented that compared to other boards, this Board is 7th lowest in audit compliance. There was much concern during discussion that the rate of compliance has dropped so much since the Board went to auditing 10 percent instead of 100 percent. The Board heard from Mr. Guilford and Ms. Hodge. Mr. Guilford suggested that the Board change the Rules to require that when massage therapists renew their licenses, they must send in proof of compliance or the license cannot be renewed. Dr. Bolden suggested waiting for another year until FSMTB's MTLT database launches, and use that database for proof of continuing education. After much discussion, the Board requested that Mr. Guilford look into the options that had been discussed and report back to the Board at the next meeting. Ms. Hodge stated that a full report would be brought at the next meeting so the Board will have the most up to date information. Further discussion on this topic was tabled until the next Board meeting.

OGC Report

Mr. Marc Guilford brought this report.

The Office of General Counsel currently has about 61 open cases pertaining to the Massage Licensure Board, compared with about 64 cases in February 2018 and 75 cases in October 2017. A significant number of cases will be resolved at this meeting by settlement agreement and by contested case hearings.

Rulemaking

Nothing to report at this time.

Legislation

The legislative session began in January and ended in mid-April. While no bills were passed that were specific to this board, a number of bills were passed that will affect all of the Department's licensing boards. Another bill, the "Fresh Start Act", limits the consideration that licensing boards can give to certain criminal convictions when deciding whether to grant someone a license. Our legislative liaison's office has a list of about 80 bills the legislature passed that we expect to have some effect on the department, but only a subset of these will have any impact on the Massage Board. We anticipate that at the Board's August meeting the legislative liaison's office will give a presentation regarding some of the most significant bills affecting this board that passed this session.

Consent Orders

The Consent Orders were presented to the Board by Mr. Marc Guilford.

Lisa Church-Davis, LMT – The Retreat Massage Therapy

Ms. Church-Davis owned and operated The Retreat Massage Therapy at 209 A Castlewood Drive, Murfreesboro, TN 37129 from May 2016 to April 2017 without an establishment license. The Consent Order places Ms. Church-Davis's massage therapist license and her establishment license on probation for a period of at least one (1) year; Ms. Davis-Church agrees to pay a Civil Penalty of \$500.00 and actual and reasonable costs of investigation and prosecution. Ms. Cross made a motion, seconded by Mr. Velker, to approve the consent order. The motion carried.

Keith & Rejeana Crystal, D.C. – Crystal Chiropractic

Keith and Rejeana Crystal owned and operated Crystal Chiropractic at 109 Maple Row Blvd, Hendersonville, TN 37075 as a massage establishment without a license from April 2016 through at least July 2017, during this time employing Judith Page, LMT to practice massage therapy in their unlicensed establishment. The Consent Order placed Crystal Chiropractic's establishment license on probation for at least two (2) years, and the Crystals agreed to pay Civil Penalties totaling \$1,700.00 plus the actual and reasonable costs of investigation and prosecution. Mr. Velker made a motion, seconded by Ms. Cross, to approve the consent order. The motion carried.

Mattie Griffin, LMT – Shear Structure

Ms. Griffin operated Shear Structure at 288 South Daisy Street, Morristown, TN 37813 on a lapsed massage establishment license from September 1, 2015 to September 2016, when the license was reactivated. The Consent Order reprimanded and placed on probation until at least August 31, 2019 the establishment license for Shear Structure; placed Ms. Griffin's massage therapist license on probation until all civil penalties and costs are paid in full; and required Ms. Griffin to pay Civil Penalties totaling \$1,350.00 as well as all actual and reasonable costs of investigation and prosecution. Ms. Cross made a motion, seconded by Dr. Bolden, to approve the consent order. The motion carried.

Tammy Hodges – Spa Ninety-Seven Hundred

Ms. Hodges owned and operated Spa Ninety-Seven Hundred at 9700 Kingston Pike, Suite 19, Knoxville, TN 37922 on an expired massage establishment license from about March 1, 2015 until about March 2, 2017. The Consent Order reprimands and places on probation until at least February 28, 2019 the establishment license, and requires Ms. Hodges to pay Civil Penalties totaling \$4,950.00 as well as all actual and reasonable costs of investigation and prosecution. Ms. Cross made a motion, seconded by Dr. Bolden, to approve the consent order. The motion carried.

Naomi Govinder, LMT

Ms. Govinder practiced massage therapy at Spa Ninety-Seven Hundred while its massage establishment license was expired from about March 2015 through March 2017. The Consent

Order placed Ms. Govinder's massage therapist license on probation for at least one year, and required Ms. Govinder to pay a Civil Penalty of \$500.00 as well as actual and reasonable costs of investigation and prosecution. Ms. Cross made a motion, seconded by Dr. Bolden, to approve the consent order. The motion carried.

Alicia Hurst, LMT

Ms. Hurst operated and practiced massage therapy at Pain Free Nashville from about March 2017 through about October 2017 while Pain Free Nashville was not licensed as a massage establishment. The Consent Order reprimanded Ms. Hurst's massage therapist license, and she was required to pay actual and reasonable costs of investigation and prosecution. Ms. Cross made a motion, seconded by Dr. Bolden, to approve the consent order. The motion carried.

Lesli Oliphant, LMT

Ms. Oliphant practiced massage therapy on an expired massage therapist license from at least December 2016 through April 2017. Ms. Oliphant operated an unlicensed massage establishment out of her home, 555 Hummingbird Lane, McEwen, Tennessee from at least February 2017 through April 2017. The Agreed Order placed Ms. Oliphant's massage therapist license on probation until all assessed civil penalties and costs are paid in full; requires Ms. Oliphant to not practice massage therapy until her massage therapist license is reinstated; and requires Ms. Oliphant to pay Civil Penalties totaling \$1,300.00 as well as actual and reasonable costs of investigation and prosecution. Ms. Cross made a motion, seconded by Dr. Bolden, to approve the consent order. The motion carried.

Lindsey Selby, LMT-Agreed Order

Ms. Selby failed to obtain twenty-five (25) approved hours of continuing education during the 2013-2014 continuing education cycle, and falsely indicated on her renewal application that she had completed these hours. The Agreed Order placed Ms. Selby's massage therapist license on probation until she has paid all Civil Penalties totaling \$1,550.00 as well as all actual and reasonable costs of investigation and prosecution, and has submitted proof of completion of 31 hours of continuing education. Ms. Cross made a motion, seconded by Mr. Mullins, to approve the consent order. The motion carried.

Li Yuan, License Denial Appeal-Agreed Order

Ms. Yuan's February 2018 denial of her massage therapist application was based in part upon her practicing massage without a license in an unlicensed establishment, Acu Massage at 760 Kingston Pike, Knoxville, Tennessee. Ms. Yuan requested to contest this denial, and has since agreed to cooperate as a witness in any cases the State brings in which she has relevant knowledge, and that this agreement is not contingent upon the Board's approval of this Agreed Order. The Agreed Order required Ms. Yuan to pay a Civil Penalty of \$550 and granted her a

conditional massage therapist license, which shall be on probation for at least two (2) years. Ms. Cross made a motion, seconded by Mr. Mullins, to approve the consent order. The motion carried.

Ratify Agreed Citations for Lapsed Licenses

Mark Allen McMahon, LMT-10135

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

Jane Ellen Quinn, LMT- 4103

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

Matthew Robert Sias, LMT-11419

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

Carrie Tate, Owner, Hair Therapy - 3832

Ratify Agreed Citations for Continuing Education Violations

Connie Bishop, LMT – 9305

Ms. Bishop agreed to pay a civil penalty in the amount of \$525.00 for failing to obtain fifteen (15) hours of continuing education during the 2015/2016 continuing education cycle.

Gloria Jean Hoch-Prater, LMT – 10873

Ms. Hoch-Prater agreed to pay a civil penalty in the amount of \$575.00 for failing to obtain seventeen (17) hours of continuing education during the 2015/2016 continuing education cycle.

Judith E. Kamsu, LMT – 7961

Ms. Kamsu 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.

Chantal E. Love, LMT – 10162

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

Elizabeth A. Mann, LMT – 7109

Ms. Mann 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.

Patsy L. Medley, LMT – 94

Ms. Medley 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.

Kimberly Dawn Nelson, LMT – 10996

Ms. Nelson 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.

Frances K. Santarsiera, LMT – 6254

Ms. Santarsiera 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.

Chao Wang, LMT – 10201

Mr. Wang agreed to pay a civil penalty in the amount of \$200.00 for failing to obtain two (2) hours of continuing education during the 2015/2016 continuing education cycle.

Ms. Cross made a motion, seconded by Dr. Bolden, to approve all Agreed Citations as written. The motion carried.

Ratification of New Licenses & Reinstatements

Massage Therapists

Aide Tina Marie	Hurley Joshua Timothy
Alexander Jasmine Lashae	Jackson Ashley Taylor
Allaman Heather Lauren	Jackson Thomas M.
Arellano Natalie Castillo	Jolley Gabriel Amanda
Benjamin Leah Ann	Jones Kristine Marie
Beyer Melissa Kay	Jones Thelma Loue
Birdwell Samuel Zachary	Joyner Joshua Dwayne
Bridge Stephanie Diane	Kite Abigail Elizabeth
Brown Kumiko Fuse	Lambert Burl Norman
Carnes Marissa	Lane Jonathan Andrew

Carter Regina Christine	Lasher Dolly Veronica
Charles Rachel Nicole	Layne Ashley Louise
Clark Alyncia Marshaye	Leitzen Christina Lee
Crawford Hayley Nicole	Lewis Joseph Michael
Crider Valory Ann	Locke Katherine Louise Saunders
Cunningham Laura Peyton	Mathes Marsha Kay
Deason William Wesley	Mathis Jeremy Ryan
Decarlo Jillene Virginia	Mccallum Nicklaus James
Dewar Jonathan Andrew	Mitchell Stephanie Camille
Duke Adrianna Michelle	Morgan Amanda Dawn
Fatherree Devin William	Morton Cynthia Elizabeth
Fetzer Margaret	Mott Roger Jeffery
Fraire Yaneli Guadalupe	Mourey Christin Mariha
Franks Brittany Michelle	Murfet Clay Fletcher
Gilliland Maggie Elizabeth	Nolan Mary Catherine
Grady Spencer James	Olige Troy Darnell
Graybeal Margaret Kelcey	Parker Andrea Susan
Green Justin Richard	Parker Linda Ruth
Gruszewski Kali Caroline	Perida Villa Gorme
Guerrero Henry Augusto	Phillips Deanna Marie
Hand Ashley Nicole	Pope Jill Setliff
Haney-Rose Patricia Ann	Quinn Deanna Nanette
Henderson Jennifer Leigh	Ray James Ian
Hennen Shelia Marie	Richard Joshua Riley
Hill Addie Elizabeth	Sanders Vivien Mark
Horr Kayla E.	Santarsiera Frances K
Horst Ruth Ann	Saxon Melanna Elizabeth
Semrick Nicholas Andrew	Westerfield Velisa Shenaya
Simpukas Catalina Michella	White Brenda Lee
Sleeth Elizabeth Marguerite	White Dinese Nanett
Spier Courtney Elizabeth	Whitehead Natasha Makanani
Steffey Elissa Rae	Wood Adrienne Dora
Stephens Samantha Ashley	Yin Jiequn
Sutton Megan Leigh	Young Patricia Teresa
Tjornhom Honor Alexandra	Zhou Cuilan
Water Andrea Failth	

Massage Therapist Re-instatements

Balabas Lisa Susan	Mcmahon Mark Allen
--------------------	--------------------

Blaisdell Robin Vanessa	Medlen (Robinson) Tamara Eveningstar
Brown Kiely Ann	Motz Vicie Darlene
Enshes Linda Yvette	Nan Hu
Hagler Ceacy Amanda	Parton Jaclyn Denise
Irons Charles Eric	Quinn Jane Ellen
Irwin Pamela Jean	Sias Matthew Robert
Jones Shannon Leslie	Sun Yi
Kendall Nicole Marie	Weekley Matilda Alice
Mays Emily Nicole	Whitaker Dora Nicole
Mcallister Leanne N.	Zak Shirley Ann
Mcfall Jennifer Elaine	

Massage Establishments

A Beautiful Image	Natural Body Downtown
A+ Healthy Strategies	Natural Body Riverview
Active Therapy	Nick Semrick LMT
Amie Bankowski LMT	Nourishing Life Arts
Angelic Therapeutic Massage	Obsidian Massage And Holistic Care
Aurora Medical Massage LLC	Paragon Strength & Fitness LLC
Bobby Hotel	Peak Performance Chiropractic
Bobby Shawn Pitts Dc	Precision Spine Specialists
Cedar Tree Wellness Center	Ray's Massage
Clemson Enterprise PLLC/Foundation Physiotherapy	Remade Massage Therapy
Crystal Massage	Restorative Massage Therapy
Donelson Hot Yoga	Salon La Vie
Eden Spa Murfreesboro Inc.	Salon West LLC
G'S Massage & Wellness	Simply Zen Massage Therapy & Reflexology
Halcyon Springs LLC Dba Spavia Nashville	Tennessee Career Institute
Halo Salon	Therapeutic Massage
Hands That Relax The Body	Therapeutic Massage By Matthew Miner
Harmony Massage Therapy	Therapeutic Remediez LLC
Hayes Family Chiropractic And Wellness LLC	Totty Chiropractic Of Hendersonville
Head To Toe Massage	Touch Of Therapy
Hester's Hair Studio Etc	Tranquility On Center Salon Spa & Boutique LLC
High Point Climbing And Fitness: Downtown	Tree Of Life Rehab And Wellness Center
Johnson City Massage	Trinity Springs Therapeutic Massage & Wellness
Magnolia Salon	Valerie R. Nielsen LMT
Massage Artistry	Vetiver Modern Massage
Massage Therapy By DLC	West Tennessee Massage Therapy

Massage Work	Yellowbird Massage & Wellness
Melanie's Therapeutic Massage	Lifebalance Massage & Wellness LLC

Massage Establishment Re-activations

Float Alchemy DbA Of Redmark LLC	Oasis Skincare Center
Hair Therapy LLC	Pamela J. Irwin LMT NMT
Hammah - Massage And Bodywork	Precision Pain Relief
Kc Cochran Robinson Therapeutic Massage And Bodywork	Pure Functional Medicine
Kim's Nail Spa	Salon Barnes And Barnes
Lilli Smith LMT	Salon Image
Melisa's Massage And Bodywork	SunSpa Tanning & Massage
Mpower Massage Therapy LLC	The Rain Tree Salon And Say Spa
Ms. Sue's Skin Care And Med Spa	The Spa Midtown
Nar Foot & Hand Spa	Total Wellness Massage Therapy

Further Board Correspondence

Bill Mullins – Board Meeting Documents

Mr. Mullins asked if the Board members could receive the Board meeting documents by email only, in order to save the administrative office time and money. Some members of the Board still require printed out documents mailed to them. After some discussion, it was decided that each Board member can request the documents in whichever format they wish, and the administrative office will honor their request.

Henry – Continuing Education Requirements

Ms. Angela Lawrence presented a summary of Mr. Henry’s email to the Board. Upon reading Mr. Henry’s email regarding continuing education requirements, the Board chose to take no action at this time. Dr. Bolden stated that some of these concerns will be addressed when the FSMTB’s new system is up and running. Ms. Cross thanked Mr. Henry for his concern, and his time in crafting and sending this email correspondence.

Proration of Continuing Education for Retired Licenses/Continuing Education Violations Policies

Ms. Nash had brought to Ms. Hodge’s attention that both these policies posted on the Board’s website still referred to a 25 hour continuing education requirement. Ms. Hodge presented revised policies referring to the accurate number of 24 continuing education hours to the Board for approval. Dr. Bolden made a motion, seconded by Ms. Cross, to ratify the changes in these policies. The motion carried.

FSMTB MTL Database Launch

Mr. Marc Guilford spoke briefly on the progress of getting the legal permission to use the new MTL database. Dr. Bolden brought a report on the progress of the creation and pending launch of the FSMTB MTL database. He stated that the data is currently being populated into the database, which will eventually provide tracking of continuing education compliance, MBLEx exam scores, disciplinary actions and other important regulatory information in the massage profession for over 44 States. Dr. Bolden stated that while the initial data population should be completed by the end of this year, it could be up to 18 to 24 months before all essential data population is complete and the database is up and running normally.

Revisions to “Unlicensed Practice of Massage Therapy” Policy

Mr. Marc Guilford presented the updated Unlicensed Practice of Massage Therapy Policy to the Board. Ms. Cross made a motion, seconded by Mr. Mullins, to adopt the policy with an addition regarding massage establishments. The motion carried.

Further School Approvals/School Program Changes Chattanooga State Community College – Renee R. Johnson, LMT

Upon review of the requested program changes, Dr. Bolden made a motion, seconded by Ms. Cross, to approve the changes. The motion carried.

Request from OGC to Fund Attendance at FARB Regulatory Law Seminar in October 2018

Dr. Bolden made a motion, seconded by Ms. Cross, to fund the attendance of Mr. Marc Guilford and Ms. Francine Baca-Chavez to the October 2108 FARB Regulatory Law Seminar. The motion carried.

Appoint Massage Board Members and Administrative Staff to attend the 2018 Federation of State Massage Boards Annual Meeting

Ms. Cross made a motion, seconded by Mr. Mullins, to appoint Ms. Burke, Mr. Velker, Ms. Yarbrough, Mr. Marc Guilford or his designee, Ms. Hodge, and Ms. Lawrence to attend the 2018 Federation of State Massage Boards Annual Meeting. The motion carried.

Review Policy Regarding Fines for an Establishment that Allows a Therapist to Continue to Work on a Lapsed License

Mr. Guilford asked that consideration of this policy be tabled until the following day when he could bring a draft of the policy for the Board to review. Ms. Cross made a motion, seconded by Dr. Bolden, to table consideration of this policy until tomorrow's meeting. The motion carried.

Applicant File Review- Education

No files needed review at this meeting.

Ratify Approved Continuing Education Courses

There were no approved continuing education courses to be ratified at this meeting.

The meeting was adjourned at 6:40 p.m.

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
May 8, 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
Christi Cross, Citizen Member
Bill Mullins, LMT
Michael Velker, Citizen Member
Virginia P. Yarbrough, LMT

Members Absent: Cynthia Jagers, LMT, Secretary

Staff Present: Angela Lawrence, Unit 3 Director
Kimberly Hodge, Board Director
Marc Guilford, Office of General Counsel

The meeting was called to order by Ms. Marvis Burke. Ms. Burke turned over the meeting to the administrative law judge, the Honorable Kim Summers. Judge Summers went over the docket, and swore in and gave the charge to the mandarin interpreter, Ms. Jiao Hoggard.

Contested Cases

Shuling Yang

Mr. Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. Ms. Yang was present with her attorney, Ms. Vivien Wang to appeal the Board's denial of Ms. Yang's application for a massage therapist license. The interpreter, Ms. Hoggard, translated some of the proceedings for Ms. Yang, as requested by Ms. Yang. Ms. Wang called Ms. Yang to testify. Ms. Yang testified that she enrolled in an 800 hour program for massage and a 200 hour program for reflexology at Brightness-Massage School for the Blind in Memphis. Ms. Yang testified that she completed the Reflexology program, and 700 hours of the massage program. Ms. Yang testified that she could not complete the remaining 100 hours of the massage program because the school closed. Ms. Yang testified that at this school, she completed 200 hours of

health sciences, 200 hours of massage, 85 hours of related subjects, 10 hours of Ethics, and 5 hours of Tennessee massage statutes and regulations. Ms. Yang testified that she completed her reflexology coursework between March 7, 2016 and April 4, 2016, spending 5 hours a day in class. Mr. Guilford pointed out that this comes up to only 130 hours, not 200 hours as specified in Ms. Yang's transcript. Ms. Yang testified that she had additional hours of practice during this time, which brought the hours up to 200. Ms. Yang then testified that she was attending the reflexology classes during the daytime hours and the massage classes during the evening hours for 4 hours a day during the same dates, and continued her massage classes up until September 10, 2016. Ms. Yang testified that her last class was on September 10, 2016, because her teacher told her the school was closing. Mr. Guilford pointed out inconsistencies between Ms. Yang's transcript and the school catalog. Ms. Yang testified that she passed the MBLEx exam. Ms. Yang answered questions from Dr. Bolden, Ms. Cross, and Mr. Velker regarding the hours she attended massage school and the subjects she studied. Mr. Guilford called Ms. Kimberly Hodge, Director for the Tennessee Massage Licensure Board, to testify. Ms. Hodge spoke about the approval of massage programs through the Massage Licensure Board and the Tennessee Higher Education Commission. Ms. Hodge spoke specifically about the Board's 2010 approval of Mr. Andrew Jiang of Brightness-Massage School for the Blind's 500 hour massage program, and the documents that were submitted. Ms. Hodge also spoke specifically about the Board's 2013 approval of the change from a 500 hour massage program to an 800 hour massage program for Mr. Andrew Jiang of Brightness-Massage School for the Blind. Ms. Hodge testified that Brightness-Massage School for the Blind is no longer an approved massage school, based upon a letter received by the Board from Tennessee Higher Education Commission in October of 2016. Ms. Hodge testified that Mr. Jiang of Brightness-Massage School for the Blind was asked to appear before the Board regarding the 500 hour program no longer being approved due to the change to the 800 hour program, but possibly still being taught based upon information given by applicants for licensure who had attended the school, and that Mr. Jiang chose not to appear. Ms. Hodge answered questions from Ms. Wang, Dr. Bolden, Mr. Velker regarding educational requirements for licensure, the status of the 500 hour and 800 hour Brightness-Massage School for the Blind massage programs after 2013, and the Tennessee Higher Education Commission letter of revocation of this school's approval. Mr. Guilford presented a proposed Consent Order to deny Ms. Yang's appeal of the denial of her massage therapist license application. After testimony and closing arguments, Judge Summers gave the charge to the Board. After deliberation, a motion was made by Ms. Cross, seconded by Dr. Bolden, to approve the proposed Consent Order as written. After an objection by Mr. Velker to reporting the discipline to the national practitioners' database, a motion was made by Dr. Bolden, seconded by Mr. Velker, to make a friendly amendment to Ms. Cross's motion to include the language "as required by law" after the language about reporting discipline. The amended motion carried.

Jin Lin

Mr. Marc Guilford, Assistant General Counsel, represented the Tennessee Department of Health. Ms. Lin was present and represented by her attorney, Ms. Vivien Wang. The interpreter, Ms. Jiao Hoggard, translated the proceedings for Ms. Lin. Ms. Lin appeared to appeal the Board's

previous denial of her most recent application for licensure as a massage therapist. Ms. Wang called Ms. Lin to testify. Ms. Lin testified that she first applied for licensure at the end of 2016, and a second time in November 2017. Ms. Lin testifies that her first application was completed by her “friend”, but “he or she” did not fully understand the information Ms. Lin gave regarding her employment history, and that she did not read the application before signing it. Ms. Hoggard clarified that Ms. Lin’s friend was female, indicating that the pronouns are the same in Mandarin. Ms. Lin testified that she completed the second application herself, and that the information in that application was truthful. Ms. Lin testified that she did not write the Career School for Massage and Bodywork in Florida in the education section of the application because she thought that since it was not an approved school, she did not have to write it on the application. Ms. Lin testified that she attended Career School for Massage and Bodywork from February 2016 to June of 2016. Ms. Lin testified that she believed the first application was denied because she was unable to attend the Board meeting at which the application was reviewed. Ms. Lin testified that she attended the Tennessee School of Massage Therapy in Knoxville to complete an approved massage program, and she included this school’s information in her second application. Ms. Lin testified that from 2013 to 2014 she worked in Monroe, LA; from October 2015 to December 2015 at Fuling Cuisine in Knoxville; from September 2016 to November 2016 at The Pearl Pagoda Jewelry; in New York from March 2017 to July 2017. Ms. Lin testified that she included this information in her second application, and that this information is true. Ms. Lin testified that she had sent in her first application in August 2016, and that the mailing address she gave for herself, which is the same as that of a massage establishment in Tennessee, was correct. Ms. Lin testified that her friend, Ms. Cao Chun Mei, was working at the establishment, and this friend had completed the application for Ms. Lin. Ms. Lin testified that she had mail sent to this address because she was going to be out of the country to care for her mother, and did not want to miss any mail. Ms. Lin testified that she provided her friend the information for the application, but that her friend wrote the wrong information in the work history section, after writing in all the other information correctly. Ms. Lin testified that she signed the affidavit on page six (6) of her first application without reading or understanding it. Ms. Lin proceeded to testify to conflicting dates and places of employment. After testifying that her friend completed her application in August of 2016 because she knew she was going to be out of the country, she then testified that she had left the country at the end of 2016 because her mother had “suddenly” become ill and needed care. Ms. Lin testified that she had not read and understood the Rules of the Board. Then she testified that she had in fact read and understood the Rules of the Board, and that she took a 5 hour Tennessee massage rules and statutes course and the teacher explained them. Ms. Lin answered questions from the Board regarding the MBLEx exam; the two Tennessee massage rules and statutes classes she had completed, the first from Brightness-Massage School for the Blind and the second from Tennessee School of Therapeutic Massage; the discrepancies in Ms. Lin’s signature on the two applications; and her current and previous addresses while she was in massage school. Mr. Guilford called Ms. Kimberly Hodge to testify regarding the denial letter and checksheet for the first application. After deliberation, the Board chose to deny Ms. Lin’s appeal based upon T.C.A. 63-18-108 (1).

Margaret Lee Lawson

Ms. Patria Morgan, Assistant General Counsel, represented the Tennessee Department of Health. Ms. Lawson was not present. Ms. Morgan requested to proceed in default, and provided documentation of repeated attempts to contact Ms. Lawson regarding this hearing, including that Ms. Morgan spoke by phone with Ms. Lawson and informed her of the hearing. The Board chose to proceed in default. Ms. Morgan presented a proposed final Order to the Board. The Order stated that while licensed as a massage therapist in Tennessee, Ms. Lawson failed to obtain twenty-five (25) hours of required continuing education during the 2011/2012 cycle. The Board ratified a Consent Order on May 2, 2016 requiring Ms. Lawson to complete a total of thirty-one (31) hours of continuing education hours by May 2, 2017, pay costs assessed, and pay civil penalties totaling \$1,550.00. The proposed Order stated that Ms. Lawson had not shown evidence of completing any of the hours of continuing education, and has not paid the civil penalty or the \$234.71 cost assessment. Ms. Morgan entered as evidence Affidavits from Kimberly Hodge, Board Manager, and Lori Leonard, Disciplinary Coordinator for the Office of Investigations. Ms. Morgan submitted a proposed Consent Order suspending Ms. Lawson's massage therapy license. A motion was made by Ms. Cross, seconded by Dr. Bolden, to approve the proposed Consent Order as written. The motion carried.

Patrick Borden

Ms. Francine Baca-Chavez, Deputy General Counsel, represented the Tennessee Department of Health. Mr. Borden was not present. Ms. Baca-Chavez requested to proceed in default, and provided documentation of repeated attempts to contact Mr. Borden, including that Ms. Baca-Chavez had email correspondence with Mr. Borden regarding these issues, and that the Office of General Counsel had sent several pieces of correspondence informing Mr. Borden of this hearing by regular mail and certified mail to his address of record and an additional address found for him by Clearsearch. Ms. Cross made a motion, seconded by Dr. Bolden, to proceed in default. The motion carried. Ms. Baca-Chavez presented to the Board a proposed Consent Order asking for revocation Mr. Borden's license. This Order stated that Mr. Borden was granted a conditional license to practice massage therapy in Tennessee on October 20, 2016. One of the conditions of this licensure was that Mr. Borden enter into a monitoring agreement with TnPAP, and then maintain advocacy and follow all recommendations of TnPAP for the duration of this monitoring agreement. Mr. Borden was also required to comply with all TnPAP recommendations regarding treatment or monitoring as a result of noncompliance with the monitoring agreement. On December 14, 2016 Mr. Borden had a TnPAP toxicology screen that tested positive for alcohol. As a result of the TnPAP re-evaluation on January 3, 2017, the length of Mr. Borden's monitoring agreement was increased to 36 months, and the conditions of this agreement were amended to include therapy and participation in support groups. On June 5, 2017, Mr. Borden notified TnPAP that he was withdrawing from TnPAP. Ms. Baca-Chavez submitted Affidavits from Ms. Kimberly Hodge, Board Manager; Mr. Mark Harkreader of TnPAP; and Ms. Nichelle Doroh of the Disciplinary Coordinator's office. A motion was made by Ms. Cross, seconded by Dr. Bolden, to approve the Consent Order as written. The motion carried.

Delicia McCreight

Ms. Francine Baca-Chavez represented the Tennessee Department of Health. Ms. McCreight was not present. Ms. Baca-Chavez provided documentation of notification of Ms. McCreight of the hearing, including email correspondence and phone conversations with Ms. McCreight, and correspondence sent regular mail and certified mail. Ms. Baca-Chavez stated that Ms. McCreight had expressed a desire to retire her license, and emailed Ms. Baca-Chavez an affidavit of retirement. A motion was made by Mr. Bolden, seconded by Ms. Cross, to proceed in default. The motion carried. Ms. Baca-Chavez presented the following findings of fact. Ms. McCreight was licensed as a massage therapist in Tennessee when she failed to obtain approved hours of continuing education in the 2009/2010 and 2011/2012 cycles. The Board ratified an Agreed Order in 2014 requiring Ms. McCreight to pay the assessed costs of the case and the assessed civil penalties. Ms. McCreight failed to pay the costs and civil penalties assessed in the 2014 Order. Ms. Baca-Chavez submitted Affidavits from Ms. Kimberly Hodge, Board Manager, and Doris E. Luther, Disciplinary Coordinator. Ms. Baca-Chavez presented the Board with a proposed Consent Order suspending Ms. McCreight's massage therapist license until Ms. McCreight submits payment for the previously assessed costs and civil penalties, and pay an additional civil penalty of \$500.00 for failing to comply with the 2014 Order, plus costs of prosecuting this case. After deliberation, the Board amended the Order to revoke Ms. McCreight's massage therapist license. A motion was made by Ms. Cross, seconded by Dr. Bolden, to approve the amended Consent Order. The motion carried.

Settlement Order

Jack Shook, LMT

Mr. Guilford presented the settlement agreement for Mr. Shook. Mr. Shook, a licensed massage therapist in Tennessee, operated and practiced massage at Rockstar Bodyworks from about June 2017 through about September 2017, during which time the establishment was not licensed. The establishment has since been disciplined and granted a license. The Agreed Order reprimanded Mr. Shook's massage therapist license and requires Mr. Shook to pay the actual and reasonable costs of investigation and prosecution. A motion was made by Dr. Bolden, seconded by Ms. Cross, to approve the agreement as written. The motion carried.

Review Policy Regarding Fines for an Establishment that Allows a Therapist to Continue to Work on a Lapsed License

Mr. Guilford presented this policy for Board consideration after a request from Mr. Mullins, since the Board did not have a stated policy on this matter. After discussion, a motion was made by Ms. Cross, seconded by Dr. Bolden to adopt the policy as written. The motion carried.

The meeting was adjourned at 5:02 p.m.