

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
February 22, 23, 2010

February 22, 2010

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

Location: 227 French Landing
HRB Conference Center
1st Floor, Poplar Room
Nashville TN 37228

Members Present: Phyllis Salyers, LMT, Chairperson
Chris Sluss, LMT, Secretary
Marcela Collins, LMT
Faith Mayton, LMT
Marilyn Field, Citizen Member
Pamela Edmond, Citizen Member
Cynthia Jagers, LMT

Staff Present: Dianne Birkner, Board Manager
Marc Guilford, Board Attorney
Lisa Lampley, Board Director
Elizabeth Miller, Director, Health Related Boards

The meeting was called to order at 9:15 a.m. by Ms. Phyllis Salyers, Board Chairperson.

Conflict Of Interest

Mr. Guilford, Board Attorney, reviewed the Conflict of Interest Policy with the Board.

Minutes

Mr. Sluss made a motion to approve the October 26-27, 2009 minutes as amended. Ms. Collins seconded the motion. The motion carried.

Discussion – Policy Regarding Applicants with Pending Legal Issues

Mr. Guilford, Board Attorney, presented a new draft of the Criminal Convictions Policy which would allow the Board to offer applicants who have been convicted of a felony or a misdemeanor related to the use of alcohol or drugs serving probation or awaiting trial or sentencing, the option to defer action on the application or to receive a conditional license. Ms. Collins made a motion to approve the draft language. Mr. Sluss seconded. The motion carried with Ms. Edmond opposed.

Applicant Interviews

Bruce Eric Conklin

Mr. Conklin was not present. Mr. Sluss made a motion to defer action until the May meeting. Ms. Collins seconded the motion. The motion carried.

Rachel N. Denkewalter

Ms. Denkewalter appeared before the Board to give explanation regarding a 2006 conviction for driving while impaired. Ms. Collins recused herself. Based on information in Ms. Denkewalter's file, she had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems. Mr. Sluss made a motion, seconded by Ms. Jagers, to grant the license. The motion carried.

Mohammad Ishaq Jamal

Mr. Jamal appeared before the Board to give explanation regarding a 2006 conviction for possession or casual exchange controlled substance. Based on information in Mr. Jamal's file, he had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems. Mr. Sluss made a motion, seconded by Ms. Jagers to grant the license. The motion carried.

Kelly L. Harper

Ms. Harper appeared before the Board to give explanation regarding a 2006 conviction for driving under the influence. Based on information in Ms. Harper's file, she had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems. Ms. Collins made a motion, seconded by Mr. Sluss to grant the license.

Jonathon Brent McNeil

Mr. McNeil appeared before the Board to give explanation regarding a 2007 conviction for driving under the influence. Based on information in Mr. McNeil's file, he had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems. Ms. Field made a motion, seconded by Ms. Mayton, to grant the license. The motion carried.

Christopher Lee Triplett

Mr. Triplett appeared before the Board to give explanation regarding a conviction in 2008 for

public intoxication. Based on information in Mr. Triplett's file, he had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems. Ms. Collins made a motion, seconded by Mr. Sluss, to approve the license. The motion carried.

Daniel Lesley Walker

Mr. Walker applied for the reinstatement of his massage therapist license which expired on August 31, 2009. He appeared before the Board to give explanation regarding a 2008 conviction for driving under the influence. Based on information in Mr. Walker's file, he had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems. Mr. Sluss made a motion, seconded by Ms. Field, to grant the reinstatement of his license. The motion carried.

During discussion it was noted that Mr. Walker had been working in a massage school. Mr. Sluss requested that a letter be sent to each of the massage schools reminding them that they are responsible for ensuring that all employees have a current license. Mr. Guilford, Board Attorney, and Board staff will prepare a letter to be sent to the schools.

Frederick E. Dunlap

Mr. Dunlap applied for the reinstatement of his massage therapist license which expired on December 31, 2000. Mr. Dunlap, who is legally blind, stated that when his accountant died it was discovered that he had not been renewing Mr. Dunlap's license to practice as a massage therapist. Upon this discovery, Mr. Dunlap immediately submitted a reinstatement application and payment of all required fees. Mr. Dunlap stated that he had not completed any continuing education hours. Ms. Field made a motion to reinstate Mr. Dunlap's license with the following conditions: he must obtain five (5) continuing education hours regarding Tennessee statutes/rules pertaining to the practice of massage therapy in Tennessee; he must obtain ten (10) continuing education hours regarding professional ethics; and he must pay a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00). These hours are in addition to the twenty-five (25) continuing education hours per renewal period required to maintain a license to practice massage therapy in Tennessee and are due December 31, 2010. Ms. Collins seconded the motion. The motion carried.

Kelli Renee Valentine

Ms. Valentine appeared before the Board to give explanation regarding a 2005 conviction for embezzlement. Ms. Mayton made a motion, seconded by Mr. Sluss, to grant the license. The motion carried.

Jennifer Katherine Lee

Ms. Lee previously appeared before the Board at the October, 2009 meeting to give explanation regarding a 2009 conviction for driving under the influence. At that time, the Board deferred

action until the completion of her probationary period. Based on information in Ms. Lee's file, she had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems. Ms. Lee stated that she had completed her probation. Mr. Sluss made a motion, seconded by Ms. Field, to grant the license. The motion carried.

Sarah Lynn DeFrieze

Ms. DeFrieze appeared before the Board to give explanation regarding multiple convictions for distribution of controlled substances and possession charges. Based on information in Ms. DeFrieze's file, she had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems. Ms. Field made a motion, seconded by Ms. Edmond, to grant the license. The motion carried.

Nicole R. Ransom

Ms. Ransom appeared before the Board to give explanation regarding a 2007 conviction for possession of marijuana. Based on information in Ms. Ransom's file, she had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems. Mr. Sluss made a motion, seconded by Ms. Edmond, to grant the license. The motion carried.

Keisha L. Hawkins

Ms. Hawkins appeared before the Board to give explanation regarding a 2007 conviction for underage consumption of alcohol. Based on information in Ms. Hawkins' file, she had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that the assessment indicated no alcohol or drug related problems. Ms. Collins made a motion, seconded by Mr. Sluss, to grant the license. The motion carried.

Matthew James Miner

Mr. Miner appeared before the Board to give explanation regarding a 2009 conviction for felony evasion. Mr. Miner stated he is currently on probation until 2012. Mr. Sluss made a motion to defer action on Mr. Miner's application until the May 2010 board meeting. Ms. Collins seconded the motion. The motion carried.

Administrator/Director Report

Ms. Birkner reviewed the report regarding statistical information and license status activity.

As of December 31, 2009 there were 4,347 licensed massage therapists and 1,512 licensed massage establishments.

LICENSE STATUS SINCE LAST MEETING

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>October 2009</i>	<i>October 2009</i>
Newly Licensed – 54	Newly Licensed – 19
Reinstates – 7	Reinstates- 3
Retired- 16	Retired- 11
New Applications- 60	New Applications- 17

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>November 2009</i>	<i>November 2009</i>
Newly Licensed – 46	Newly Licensed – 15
Reinstates – 15	Reinstates- 2
Retired- 11	Retired- 12
New Applications- 51	New Applications- 22

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>December 2009</i>	<i>December 2009</i>
Newly Licensed – 30	Newly Licensed – 9
Reinstates – 9	Reinstates- 2
Retired- 14	Retired- 13
New Applications- 47	New Applications- 9

Ms. Birkner also reported that effective January 1, 2010 the mileage rate decreased to \$0.46 per mile.

Establishment Inspection Report

Ms. Birkner reviewed the report which indicated there were seventy (70) inspections conducted in Middle Tennessee, seventy-five (75) conducted in East Tennessee and thirty-five (35) conducted in West Tennessee during the months of October – December, 2009.

The following deficiencies were cited in Middle Tennessee:

-1 establishment received a single deficiency for not having a copy of the massage therapist’s license

- 3 establishments received a single deficiency for not cleaning table daily
- 1 establishment received a deficiency for not having a smoke detector and for not cleaning table daily

The following deficiencies were cited in East Tennessee:

- 2 establishments received a single deficiency for not having a smoke detector
- 1 establishment received a single deficiency for not having a working smoke detector
- 1 establishment received a single deficiency for not having a current copy of the massage therapist's license
- 2 establishments received a single deficiency for not having a massage therapist
- 1 establishment received a deficiency for not having a working smoke detector or a current copy of the massage therapist's license

The following deficiencies were cited in West Tennessee:

- 1 establishment received a single deficiency for not having a copy of the massage therapist's license
- 3 establishments received a single deficiency for not having a smoke detector
- 1 establishment received a single deficiency for having dirty bottles and pumps
- 1 establishment received a single deficiency for not cleaning table daily

Investigation/Disciplinary Report

Ms. Juanita Stone, Office of Investigations, reviewed the reports with the Board. She stated there is currently a total of ten (10) open complaints for massage therapists. Ms. Stone stated that seven (7) complaints are out in the field and three (3) complaints are awaiting review. Ms. Stone further stated there are a total of six (6) open complaints for establishments. Two (2) complaints have been investigated and four (4) are awaiting a second review. Ms. Stone also informed the Board that there was still a need for more board consultants to review complaint files.

Continuing Education (CE) Audit Report

Ms. Lisa Lampley reviewed the report with the Board. During the period January – June 2009, a total of forty-one (41) massage therapists were audited with twenty-one (21) licensees found to be non-compliant with CE requirements. Seventeen (17) licensees found to be in non-compliance were deficient in the required number of continuing education hours and four (4) licensees did not respond to the Audit Contact Compliance Unit.

The Board requested that a discussion regarding the current Continuing Education Violations Policy be placed on the agenda for the next Board meeting to discuss revising the penalty fee to \$300.00 and the penalty hours to twelve (12) hours.

Office of General Counsel Report

Mr. Guilford reported that the Board will be conducting a rulemaking hearing pertaining to amendments to Rules 0870-01 and Rules 0870-02. He further reported that the Office of General Counsel currently has twenty-eight (28) open cases pertaining to the Massage Licensure Board. One (1) case will be presented as a Consent Order later in the meeting.

Consent Order

Donald E. Starbard, III, LMT, License # 5989

Mr. Donald Starbard, III, LMT, was not present and was not represented by counsel. Mr. Marc Guilford, Assistant General Counsel, presented the Consent Order to the Board for ratification. Mr. Starbard pled guilty to one (1) count of Sexual Battery, a Class E Felony. Mr. Starbard agreed that his license is revoked. Ms. Collins made a motion to accept the Consent Order. Ms. Edmond seconded the motion. The motion carried.

File Reviews

Rainbow Massage Therapy/Owner David Kim

The Board reviewed the massage establishment licensure application for Rainbow Massage Therapy submitted by Mr. David Kim. The Board was presented with police investigation reports and arrest reports of individuals at Rainbow Therapy on or about September 2009 for prostitution and promoting prostitution. Mr. Sluss made a motion to deny the application. Ms. Field seconded the motion. The motion carried with Ms. Collins opposed.

Ms. Jagers made a motion that a Cease and Desist letter immediately be sent to Mr. Kim. Mr. Sluss seconded the motion. The motion carried.

Report - Federation of Associations of Regulatory Boards (FARB) Meeting

Ms. Salyers attended the FARB meeting held January 29-31, 2010 in Las Vegas, Nevada. Delegates from thirty (30) states were in attendance at the meeting. Ms. Salyers provided a brief summary of the topics discussed at the meeting including the regulation of state boards; a presentation on the definition of "good moral character"; how different states use different guidelines for initial application and how a determination is made for when applicants are requested to appear before the Board for an interview; and a review of high-profile cases concerning licensed professionals. Ms. Salyers further reported that FARB is working on a model practice act that will be universal for licensing all states.

Annual Report - Lighthouse Professional Services

Ms. Smithson, Director of Lighthouse Professional Services, presented the Board with the annual

report detailing activities from November 14, 2003 through December 31, 2009. A copy of the report is on file in the Board's administrative office.

Consider Amendment to Extend Contract for Lighthouse Professional Services

Ms. Lampley explained that the Board has the option to renew the contract for one year or to begin the process for a new contract. The Board was provided a comparison of similar size HRB boards having peer assistance contracts and the amount of those contracts. Ms. Field made a motion to renew the contract of Lighthouse Professional Services for one year. Ms. Mayton seconded the motion. The motion carried.

Discuss/Consider Amendments to the Unlicensed Establishment Policy

Ms. Salyers stated she feels all massage therapists should now be aware of the requirement to obtain an establishment license and that the need for the thirty-day allowance no longer exists and is unfair to those individuals who comply with the rules/laws. Ms. Edmond made a motion, seconded by Ms. Jagers, to rescind the portion of the policy adopted by the Board on December 5, 2005 which reads: "If an unlicensed establishment wherein massage therapy is being or has been practiced makes application for an establishment license within thirty (30) days of being notified by any representative of the Department of Health on behalf of the Board that it is required to have an establishment license, enforcement activities for all current and/or previous unlicensed activities shall not be pursued by the Board." The motion carried with Ms. Field abstaining.

Ms. Salyers suggested that a reminder of the requirement for an establishment license be added to the instruction page of the licensure application.

Ratify Agreed Citation for Lapsed License

Upon review by the Board, a motion was made by Ms. Collins, seconded by Mr. Sluss, to approve the following Agreed Citations:

Kasey Britt-Kenly, LMT

Ms. Britt-Kenly agreed to pay civil penalties in the amount of \$2,600.00 for practicing massage therapy on a lapsed license.

Martresha Berkley and Mattie Bell for Dream Touch Spa, LLC

Ms. Berkley and Ms. Bell agreed to pay civil penalties in the amount of \$200.00 for operating a massage establishment on a lapsed license.

Ed Bolden for New Horizon Wellness Center

Mr. Bolden agreed to pay civil penalties in the amount of \$500.00 for operating a massage establishment on a lapsed license.

The motion carried.

Ratify Agreed Citations for Continuing Education Violations

Upon review by the Board, a motion was made by Ms. Collins, seconded by Mr. Sluss, to approve the following Agreed Citations:

Moelle Marie Bittle, LMT

Ms. Bittle agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Laura Caudle, LMT

Ms. Caudle agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Mary Jeannie Fitzgerald, LMT

Ms. Fitzgerald agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Crystal Leanne Hale, LMT

Ms. Hale agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Terri Lynn Ottinger, LMT

Ms. Ottinger agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Amanda Irene Patten, LMT

Ms. Patten agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Emily Dawn Peters, LMT

Ms. Peters agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Terri Denise Suter, LMT

Ms. Suter agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Donnia Gale Thompson, LMT

Ms. Thompson agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Tammeria J. Shouse, LMT

Ms. Shouse agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Rhonda Kay Wallace, LMT

Ms. Wallace agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Joann Lale, LMT

Ms. Lale agreed to pay civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

The motion carried.

Ratifications

Ms. Collins made a motion to approve all new and reinstated licenses for massage therapists and massage establishments issued from October 13, 2009 through February 5, 2010. Ms. Jagers seconded the motion. The motion carried.

Massage Therapists

MELISSA ANN ALLEN
FAITH C. ANDERSON
CRYSTAL LYNN ANGEL-RYMER
JENNY NEY ANNAS
BECKY LYNN BAILEY
MURIEL YVETTE BAILEY
CHRISTINA ANN BAIRD
AMIE MICHELLE BARNES

MIKHAIL YURIYEVICH BERAK
MELISSA ANN BERGERON
GRETCHEN NICOLE BISHOP BRUNNER
ASHLEY O. BITHORN
BETHANY ANN BLACK
VALENCIA CELICIA BLAKE
RENESIA SHUNTEL BONNER
TA-TONJI LYNN BOWMAN

KRISTOPHER MADUOC BRAMBLE
ALEXANDRIA RYAN BROWN
RASHAL BROWN
GRACE SCHLACTER BULLARD
BETHANY LOU BUNDY
SHERRI LYNN BURNEY
SYDNEY ROGERS BYLES
DONALD EDWIN CAMPBELL JR
MONICA CAMPBELL
SASHA LYN CARTWRIGHT
RACHEL NICOLE CLARK
SADIE JO COFFER
LATASHA MARIE COOPER
DERICK SCOTT CORBIN
CONNIE JOAN COX
DANIELLE ELAINE CRAMER
JEREMY MICHAEL CROSBY
CORTNEY LEIGH CROSSNOE
JOHNNATHAN LAYNE CRUM
MICHELE SUE DANIEL
KACY LYNN DAVIS
MEGHAN LOUISE DAVIS
CARMEN YVONNE DAWSON
KELLY JANE DOERING
DEMETRIUS SHANELL DORITY
MARY A. DOWNEY
TISH DUNLAP
MARIA RENEE DUNN
RHIANNON L DURAND
SARAH MARIE EHRLICH
TONI C. EMMONS
LISAMARIE ETSCH
CARLY MICHAEL EVANS
MISCHELLE KIMBERLY FITZWATER
MATTHEW WHEELER FORBES

DALLAS WOODARD FOX
SHELLEY DOUGLAS FREEMAN
MARY HELEN GARDNER
CHERYL ANN GARRIGAN
BEN SHERMAN GILLILAND
LISA MONET GONZALES
STEPHANIE N GRAY
MEREDITH ANNE GRECH
MANDY MICHELLE GRIGGS
CANDACE COURTNEY GUNN
CARL JOHN HALL
TYRONE ANTHONY HARDING
DIANE RUTH HARKAVY
TRAVIS HARKINS
AMANDA MARIE HARRISON
MARILYN LOUISE HENDERSON
KATIE ANN HESTER
ANN ROSEMARIE HIGGS
CARLOS LADRE' HILL
MELISSA RENAE' HILL
VANESSA HILL
MEGAN DANIELLE HINTON
MARNI K HODGEN
THOMAS A. HOLMES
GINA S. HOLT
LISA CROWELL HOWE
HEATHER MARIE HULL
LALAH LOUISE HUMBLE
SHELLY SHEREE HUNT
AMBER CELESTE HUNTER
BONNIE HUNTLEY
STACY SUZANNE JACKS
RUTH A. JACKSON
RAVEN GINNELL JARRETT
PAUL SCOTT JEFFERSON JR.

JODI ALANA JOHNSON
DAVID HENRY JONES
TANYA SUE KANCZUZEWSKI
BETHANY JO INEZ KEITH
ANSON BLAKE KEMPER
MANDOLYN CREE KENNEDY
IAISHA SHARIE KIMBLE
LISA RENEE' KINSEY
ANTHONY LYNN KNIGHT
LAUREN ELIZABETH KRAMER
HONGYANG LI
BETH ANN LINDEN
RITA FAYE LOOPER
SUSAN M. LUEBKE
JEFFREY NICHOLAS MACKLIN
LYNISHA MALONE
ELIZABETH MARTIN
KEVIN DWAYNE MARTIN
WILLIAM D. MASSEY
KALA DENISE MAXWELL
LOUANNE MCBRIDE
BAILEE ANN MCGAHA
PHILLIP QUINTEN MEEKS
MELINDA JEANETTE MEURER
DANAE ELAINE MILEY
AUTUMN LOVE MILLER
JULIE MARIE MILLER-WILSON
CHERYL LEIGH MOLINARO
JESSICA JEAN MOLNAR
MAGDALENA I. MOORE
STACEE ELIZABETH MORRIS
MARIA A. MOUSOURAKIS
JAMES HOWARD OLIVER JR.
TABITHA DANEEL PACE
ASHLEY MARIE PATRICK

EVANGELINE J PAULOS
NATASHA ANTIONETTE PEEBLES
WILLIAM ALEXANDER PENCE
KAREN ANN PEPICH
AUNGELA MONCHELLE PHILLIPS
JANA LENAN PICKARD
MARTHA EVELYN PITTS
BARRON D. QUEEN
ANNETTE J. RACKLEY
CHRISTOPHER SHANE RADER
JOHNNIE DALE RAGSDALE
EVAN MICHAEL REYNOLDS
JEFFREY SHAWN RICKARD
JULIE AMBER RIDEN
DAVE INGRAM ROBERTS
EMILY KETCHAM ROBERTS
SARAH ZHANELL ROBINSON
RYAN ALLEN RODGERS
DIANE J ROGERS
NOVALEE RYMER
JOSHUA A. SALLO
DIANA LYNN SCHNEIDER
PAULINE MICHELE SHRUM
KIARA KAARON SIMMONS
APRIL ELISABETH SINCLAIR
NANCY JEANNE SMITH
NATHAN ANDREW SNODGRASS
WENDY JANE SOMMERS
DAVID ANDREW SPENCE
AMANDA ADELL SPICER
TONYA LYNN RENEA STAGGS
MOUCHUAL DARLENE STOIKA
MARCHELLE PATRICIA SUCHAN
SHE MO SUN
DEIRDRE SUZANNE SWYGERT

HONG TANG
MARY J. TAYLOR
ROSEMARY LEE TEASLEY
HEATHER RENEE THOMAS
TOM STEWART TIMS
GAIL CATHLEEN TOSSING
ELEONORA M TROYANOVSKAYA
MICHAEL DAVID TYNDALL
LUCY ESTHER VALADEZ
LETICIA MARY VANCE

KARMILLIA JO VANHOOK
RACHEL SUE WATSON
RACHEL ELIZABETH WEBB
CARLA GAYLE WILBURN
CYNTHIA LYNN WILLETT
MICHELLE MARIE WILLIAMS
PATRICK LEON WILLIAMS
ERICA DENISE WILLIS
CYLE RAY YOAKUM

Massage Therapists Reinstated

THERESA ANN ABELL
KATHERINE ANDRADES
ARTY JASON ATKINS
ISAAC JAMES BEARD
KASEY BRITT-KENLEY LMT
JESSICA ELAINE CAVINESS
DARISA KAYE DAVIS
RHONDA L DRUMMER
ANGELA LEANNE DUGAN LMT
CHRISTINA DARLENE EYSTER
THOMAS THORNTON FIELD
PEGGY SUE GAINES
JILL ANN HALL
TERRY P. HARTSFIELD LMT
JESSICA AMBER HAYS
HEATHER NICHOLE HELTON
VIRGINIA ANN HEWITT
ESSERI PEGGY HOLMES
TIMEKA LATRICE HUNT
JOANNE MARIE JUSTIAN
AMBER JOLENE KELLERHOUSE

DOUGLAS R KELSO
DEBORAH ALLISON KORNRUMPF
JON MICHAEL LIVAUDAIS
JENNIFER RUTH MARTIN
EUGENIA NICOLE MEYER
ANDREA NEQUARY NORRIS
MARY CHRISTINE ORCUTT
TRACEY LEE OWEN-FAW
SCHERIE MARIE OWENS
ROSS VINCENT PENNY
SHERYL BETH SAMUELS
MELISSA LOUISE STILLWELL
SARAH MARIE TRINGALE
JOSHUA MICHAEL WALKER
KIA LAREE WASHINGTON
AMANDA ELIZABETH WEBB
ERIC LEE WILLIAMS
LORA ANN WILLIAMS
NIANNE P. MULLIS WILLIS
SHEILA POWERS WOMAC LMT

Massage Establishments

A RENEWED BALANCE BY TOUCH AT WELL NEST
AAHHH THERAPEUTIC MASSAGE AND BODYWORK
ABSOLUTE HAIR AND BODY WORX, LLC
ADVANCED HEALTHY TOUCH
ALTERNATIVE HEALTH EMPOWERMENT, INC.
ANNA CHRISTINE'S SALON
BEST IN TOUCH
CATHERINE MYERS LMT
COOPER CHIROPRACTIC CENTER
DASIA MASSAGE AND BODYWORK
ESCAPE TO SERENITY
FIVE ELEMENT ACUPUNCTURE UNIT A
FREE CHIROPRACTIC CENTRE
FULL CIRCLE MASSAGE
GAIA TOSSING
GLASSER MASSAGE AND LYMPHEDEMA SERVICES, LLC
HAND IN HAND MASSAGE AND BODYWORK
HANDS ON
ILLUSION SALON AND SPA
IN STYLE SALON SPA
INTO THE MYSTIC
JUST RELAX
M & K MASSAGE & THERAPY
MAGGIE'S
MASSAGE BY WENDY
MASSAGE CONSORTIUM
MASSAGE THERAPY BY BARBARA
NASHVILLE COUNTRY RV RESORT
NV HAIR STUDIO LLC
PRO MASSAGE NOW.COM
QUEST
RITA FAYE LOOPER
SEASONS OF FARRAGUT LLC
SHELLEY FREEMAN
SILER'S SALON AND WIGS
SPORTS, ORTHOPEDICS AND SPINE

THE DIVINE SALON AND DAY SPA
THE MASSAGE INSTITUTE OF MEMPHIS, LLC
THERAPEA
THERAPEUTIC MASSAGE OF MORRISTOWN
TRANSFORMATIONS THERAPEUTICS
UPTOWN MASSAGE
WATERFALLS OF WELLNESS HEALING NETWORK

Massage Establishments Reinstated

“IN THE SPALIGHT”
BELVA
BILL DUNCAN/HEALTH YOURSELF
BODY MECHANICS
CATHY WILSON THERAPEUTIC MASSAGE
DREAM TOUCH SPA, LLC
HELPING HANDS MUSCLE THERAPY
MOUNTAIN SPAS OF AMERICA INC. DBA THE SPA
NEW HORIZON WELLNESS CENTER
PAM SCHRADER, LMT
TENNESSEE REGIONAL CLINIC OF MASSAGE THERAPY
THE BODY SHOPPE

Approved Continuing Education Courses

Mr. Sluss made a motion, seconded by Ms. Jagers, to approve the following continuing education courses:

1. Prenatal Massage Therapy-8 hours by Rose Gilcrest, LMT
2. Tennessee State Massage Law-2 hours by Toni Wiegand, LMT
3. Tennessee Law and Rules-2 hours by Maj-Lis Nash
4. Introduction to Hospice Massage-21 hours by Pam Dent, LMT
5. Ethical Considerations in the Hospice Environment-2 hours by Pam Dent, LMT

The motion carried.

Board Correspondence

The Board reviewed correspondence received from Ms. Caryn Wright requesting information on teaching massage therapy in her home. Ms. Edmond made a motion, seconded by Ms. Collins, to refer Ms. Wright to the Tennessee Higher Education Commission and to request that she submit the required paperwork to the Board for approval of a massage therapy program in accordance with

the rules and regulations. The motion carried with Mr. Sluss opposed.

Election of Officers

The Board elected the following officers:

Chairperson: Phyllis Salyers

Secretary: Chris Sluss

Being no further business, the meeting adjourned at 3:15 p.m.

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

February 23, 2010

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

Location: 227 French Landing
HRB Conference Center
1st Floor, Poplar Room
Nashville TN 37228

Members Present: Phyllis Salyers, LMT, Chairperson
Chris Sluss, LMT, Secretary
Faith Mayton, LMT
Marcela Collins, LMT
Pamela Edmond, Citizen Member
Cynthia Jagers, LMT

Member Absent: Marilyn Field, Citizen Member

Staff Present: Dianne Birkner, Board Manager
Marc Guilford, Deputy General Counsel
Shiva Bozarth, Deputy General Counsel
Lisa Lampley, Board Director
Elizabeth Miller, Director, Health Related Boards

The meeting was called to order at 9:05 a.m. by Ms. Phyllis Salyers, Board Chairperson.

Conduct Rulemaking Hearing regarding Rules 0870-01 and 0870-02

A hearing was held in accordance with T.C.A. § 4-5-204 regarding proposed rules pertaining to Rules Chapters 0870-01 and 0870-02. Mr. Shiva Bozarth, Office of General Counsel, conducted the hearing. After review and discussion by the Board of all submitted statements and public comments, Mr. Sluss made a motion, seconded by Ms. Mayton, to adopt the rules as amended. The motion carried. Ms. Salyers conducted a roll call vote with all members voting in the affirmative.

Financial Report

Ms. Christy Allen, Assistant Commissioner, Bureau of Health Licensure and Regulation, presented and reviewed a detailed financial report which reflected revenue and expenditure totals for fiscal years 2008 and 2009. The Board thanked Ms. Allen for her time in preparing and presenting the report.

Legislation

Mr. Guilford, Board Attorney, reviewed the following legislation:

SB2461/HB2617 – This bill extends the Board’s termination date to June 30, 2012.

Mr. Sluss made a motion, seconded by Ms. Jagers, to support the bill for the health, welfare, and safety of the public. The motion carried.

SB3706/HB3770 - This bill amends current law by expanding and amending the disciplinary grounds upon which the Board may discipline a licensee. Ms. Collins made a motion to support the bill based on the logic of the wording. Mr. Sluss seconded the motion. The motion carried.

Agreed Citation

Frederick E. Dunlap, LMT

Mr. Guilford, Assistant General Counsel, presented the Agreed Citation to the Board for ratification. Mr. Dunlap practiced on an inactive license and failed to properly maintain a sufficient number of continuing education hours. Mr. Dunlap agreed to pay civil penalties in the amount of \$1500.00 and agreed to obtain five (5) continuing education hours regarding the Tennessee statutes and rules pertaining to massage in Tennessee and ten (10) continuing education hours regarding professional ethics by December 31, 2010. These hours are in addition to the required twenty-five (25) hours due for the continuing education cycle ending December 31, 2010. Mr. Sluss made a motion, seconded by Ms. Edmond, to approve the Agreed Citation. The motion carried.

Being no further business, the meeting adjourned at 2:30p.m.

These minutes were ratified at the meeting held on May 17, 2010.

POLICY

TENNESSEE MASSAGE LICENSURE BOARD

APPLICANTS WITH CRIMINAL CONVICTIONS

Applicants for licensure as a massage therapist or an establishment whose application or Criminal Background Check reveals a single felony conviction which occurred more than ten (10) years prior to the date of application and which is unrelated to sexual misconduct need not appear before the Board.

Applicants **MUST** appear before the Board, however, if their application or Criminal Background Check reveals any of the following: (1) a single felony conviction which occurred less than ten (10) years prior to the date of application; or (2) more than one felony conviction, regardless of the date.

Applicants whose application or Criminal Background Check reveals a misdemeanor conviction related to the use of alcohol and/or drugs which occurred more than ten (10) years ago need not appear before the Board and need not be evaluated by a peer assistance program.

Applicants whose application or Criminal Background Check reveals a felony or misdemeanor conviction related to the use of alcohol and/or drugs which occurred less than ten (10) years ago will be referred to the peer assistance program as described in the Board's Substance Abuse Policy.

Applicants who have been convicted of any felony or a misdemeanor related to the use of alcohol and/or drugs and who have not completed the terms of any sentence or probation imposed as a result of that conviction may, at the discretion of the Massage Licensure Board:

- (1) Have the consideration of his or her application deferred until such time all sentences and probationary terms are completed; or
- (2) Receive a conditional license until all requirements of the courts/licensing boards are completed.

No applicant convicted of prostitution or sexual misconduct (as described in T.C.A. § 63-18-105(b)(2)), whether the conviction is a felony or misdemeanor, will be considered for or granted a license.

Adopted by the Tennessee Massage Licensure Board on August 10, 2009.

Revised by the Tennessee Massage Licensure Board on February 22, 2010.

Attachment 1

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Tennessee Massage Licensure Board

February 22-23, 2010

POLICY
TENNESSEE MASSAGE LICENSURE BOARD

UNLICENSED ESTABLISHMENT ENFORCEMENT

If an establishment does not make timely application for licensure under this policy and continues to operate, in an effort to avoid the matter being forwarded to the Department's Office of General Counsel for full prosecution and the possibility of more severe sanctions, upon application for licensure the matter may be settled and an authorization to practice or a license issued pursuant to the following:

If the establishment is owned by someone who is not a licensed massage therapist, the establishment shall be assessed and pay a base civil penalty in the amount of three hundred dollars (\$300.00) and an addition civil penalty calculated by multiplying one hundred dollars (\$100.00), times the number of massage table available for use in the establishment, times the number of months that the establishment operated without a license including any time before or during the above referenced thirty (30) day period.

If the establishment is owned by someone who is a licensed massage therapist, the establishment shall be assessed and pay a base civil penalty in the amount of five hundred dollars (\$500.00) and an additional civil penalty calculated by multiplying two hundred dollars (\$200.00), times the number of massage table available for use in the establishment, times the number of months that the establishment operated without a license including any time before or during the above referenced thirty (30) day period. The acceptance of this settlement offer does not prohibit the massage therapist from being prosecuted for any conduct that occurred in the establishment for which he or she might be separately disciplined.

If the establishment has allowed the unlicensed practice of massage therapy, the civil penalties required to be paid pursuant to this policy are in addition to the civil penalties required to be paid under the Board's "Unlicensed Practice of Massage Therapy Policy."

If the establishment fails to accept the offered settlement or fails to comply with its terms the matter shall be referred to the Department's Office of General Counsel for full prosecution.

Adopted by the Tennessee Massage Licensure Board on December 5, 2005.

Revised by the Tennessee Massage Licensure Board on February 22, 2010.

Attachment 2