

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**May 4 -5, 2009**

May 4, 2009

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

Location: 227 French Landing  
HRB Conference Center  
1<sup>st</sup> Floor, Iris Room  
Nashville TN 37228

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

Members Absent: Cynthia Jagers, LMT

Vacant Position: Citizen Member

Staff Present: Dale Hill, Board Administrator  
Andrea Huddleston, Advisory Attorney  
Lisa Lampley, Board Director  
Elizabeth Miller, Director, Health Related Boards

The meeting was called to order at 9:35 a.m. by Ms. Phyllis Salyers, Board Chairperson.

**Presentation – Federation of State Massage Therapy Boards (FSMTB)**

Ms. Debra Persinger, PhD, Executive Director, FSMTB, appeared before the Board to request that the Board consider the exclusive adoption of the Massage and Bodywork Licensing Examination (MBLEx) for licensure as a massage therapist in Tennessee. Ms. Persinger gave a presentation on the history and background of the FSMTB and an overview of the test development process for the MBLEx. After review and discussion, Ms. Collins made a motion to exclusively accept the MBLEx as the entry-level examination for licensure as a massage therapist in Tennessee. Ms. Mayton seconded the motion. The motion carried. Ms. Huddleston informed the Board that a rulemaking hearing would be required and that proposed rule language would be drafted and presented for review by the Board at the next meeting.

## **Conflict Of Interest**

Ms. Huddleston, Board Attorney, reviewed the Conflict of Interest Policy with the Board.

## **Applicant Interviews**

### **James Kurt Derusha**

Mr. Derusha's licensure application file had previously been reviewed and Mr. Derusha personally appeared before the Board at the February 9-10, 2009 board meeting to give explanation regarding an arrest in 2000 for steroid possession. At that time, the Board motioned to defer action on the application in order for Mr. Derusha to obtain an assessment from Lighthouse Professional Services, or an agency of his choice, and requested that he appear before the Board at the May 4, 2009 meeting. Mr. Derusha appeared before the Board and presented the results of an assessment obtained from Behavioral Health Care System which indicated no alcohol or drug related problems. The Board was unclear as to whether he had been convicted of steroid possession. Mr. Derusha stated that he had never been convicted of a felony. Ms. Collins made a motion, seconded by Mr. Sluss, to defer action on the application until the following day and requested that Ms. Huddleston, Board Attorney, contact the court in Broward County, Florida to obtain clarification regarding the disposition of the possession charge. The motion carried.

### **Leanne Michelle Freise**

Ms. Freise appeared before the Board to give explanation regarding a 2007 misdemeanor conviction for driving under the influence. Based on information in Ms. Freise'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. The motion carried.

### **Carolyn Jean Kittle**

Ms. Kittle appeared before the Board to give explanation regarding a 2001 felony conviction for theft of property. Ms. Kittle had voluntarily contacted Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting to advocate for Ms. Kittle. Ms. Collins made a motion, seconded by Ms. Mayton, to grant the license. The motion carried.

### **Hiram Emory Widener**

Mr. Widener appeared before the Board to give explanation regarding multiple convictions. Based on information in Mr. Widener'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 Ms. Fields, to grant the license. The motion carried.

### Dean Bruce Duell

Mr. Duell appeared before the Board to give explanation regarding a 2007 misdemeanor conviction for driving while intoxicated. Based on information in Mr. Duell'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. Collins, to grant the license. The motion carried.

### Stacy Elaine Peterson

Ms. Peterson appeared before the Board to give explanation regarding multiple convictions. Based on information in Ms. Peterson'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. The motion carried.

### Sheila Chambers/It Figures

Ms. Chambers appeared before the Board to give explanation regarding a 2008 misdemeanor conviction for reckless driving. Based on information in Ms. Chambers' 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 Ms. Fields, to grant the massage establishment license. The motion carried.

### **File Review**

#### Virginia L. Edwards

Ms. Edwards' application for a massage therapist license was reviewed due to unreadable fingerprints. The background check was based on name only. She has no criminal record. Ms. Collins made a motion, seconded by Mr. Sluss, to approve the application. The motion carried.

### **Administrator/Director Report**

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

As of March 31, 2009 there were 4,210 licensed massage therapists and 1, 520 licensed massage establishments.

**LICENSE STATUS SINCE LAST MEETING**

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>January 2009</b></i>	<i><b>January 2009</b></i>
Newly Licensed – 59	Newly Licensed – 25
Reinstates – 8	Reinstates- 3
Retired- 12	Retired- 15
New Applications- 44	New Applications- 22

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>February 2009</b></i>	<i><b>February 2009</b></i>
Newly Licensed – 43	Newly Licensed – 36
Reinstates – 5	Reinstates- 4
Retired- 14	Retired- 17
New Applications- 55	New Applications- 38

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>March 2009</b></i>	<i><b>March 2009</b></i>
Newly Licensed – 73	Newly Licensed – 37
Reinstates – 8	Reinstates- 5
Retired- 12	Retired- 16
New Applications- 63	New Applications- 25

**Establishment Inspection Report**

Ms. Lampley reviewed the report which indicated there were fifty-five (55) inspections conducted in Middle Tennessee, fifty-three (53) conducted in East Tennessee and thirty-four (34) conducted in West Tennessee during the months of January – March, 2009.

**The following deficiencies were cited in Middle Tennessee:**

- 2 establishments received a single deficiency for not having a working smoke detector
- 3 establishments received a single deficiency for equipment not being clean
- 3 establishments received deficiencies for not having a massage therapist
- 2 establishments received a single deficiency for not having a copy of the massage therapist’s license
- 1 establishment received a single deficiency for not having a working fire extinguisher

**The following deficiencies were cited in East Tennessee:**

None

**The following deficiencies were cited in West Tennessee:**

- 1 establishment received a single deficiency for not having a working fire extinguisher
- 1 establishment received deficiencies for not having a copy of the massage therapist's license or establishment license
- 1 establishment received a single deficiency for the therapist's license being expired
- 2 establishments received a single deficiency for equipment and rooms not being clean

**Investigation/Disciplinary Report**

Ms. Juanita Stone, Disciplinary Coordinator, Office of Investigations, reviewed the reports with the Board. The report indicated there are a total of ten (10) open complaints for massage therapists and ten (10) open complaints for establishments. During the period of January – March, 2009, twelve (12) complaints for massage therapists were closed, one (1) with no action, and eleven (11) were referred to the Office of General Counsel. For massage establishments, six (6) complaints were closed, two (2) with no action, and four (4) were referred to OGC. Ms. Stone stated that she continues to work with the Attorney General's office on collection of unpaid fines/penalties. The Board received confirmation that revenues remitted to the Boards are deposited to the individual Board's revenue account in accordance with Tenn. Comp. R. & Regs. 1200-10-1-.07.

**Financial Report**

The Board reviewed the financial report for the fiscal year ending June 30, 2008.

**Continuing Education (CE) Audit Report**

The Board reviewed the continuing education audit report which indicates for the period of January - December 2008 there were sixty-three (63) licensees audited with twenty-one (21) licensees found to be non-compliant with CE requirements.

**Office of General Counsel Report**

Ms. Huddleston reported the following:

**Rules:**

Fee increases, Continuing Education, Examination, Standards and Schools (0870-1-.01, .02, .04-.06, .08, .09, .12, .14, .15, .19; 0870-2-.02, .03, .05 to .09). The Board voted on May 5, 2008, to send these amendments to a rulemaking hearing. These rules passed through OGC/BHLR approval and the rulemaking hearing was conducted October 27, 2008. The rules were forwarded to the Attorney General on December 11, 2008. The rules were approved by the

Attorney General and were filed with the Secretary of State's office on April 9, 2009. The rules will go into effect on June 23, 2009.

### **Litigation:**

The Office of General Counsel, Tennessee Department of Health, currently has twenty-four (24) open cases pertaining to the Massage Licensure Board.

Ms. Huddleston introduced Mr. Shiva Bozarth, Deputy General Counsel, to the Board. Mr. Bozarth stated his willingness and availability to discuss and/or address any concerns the Board might have. He informed members of the Board that the Office of General Counsel was currently in the process of doing a general overhaul of Board rules and that a notice of rulemaking hearing would be drafted and presented for review by the Board at the next meeting. Upon discussion, it was decided that a board meeting would be held on July 17, 2009 to review and discuss proposed rule amendments in consideration of authorizing a rulemaking hearing to be held at the August 10-11, 2009 board meeting.

### **Discussion – Federation of State Massage Therapy Boards (FSMTB) Annual Conference**

The Annual FSMTB Conference is scheduled to be held October 8-10, 2009 in Nashville, TN at the Gaylord Opryland Hotel and Conference Center. Upon discussion, Ms. Collins made a motion, seconded by Mr. Sluss, to request approval for all members of the Board to attend the conference. The motion carried. A motion was made by Ms. Mayton, seconded by Ms. Collins, to nominate Mr. Sluss as the voting delegate attendee. The motion carried. A motion was then made by Ms. Fields, seconded by Ms. Collins, to request approval for four (4) staff members to attend the conference on Thursday evening and Friday. The motion carried. Upon discussion, it was decided, as the host state for the conference, that the Board would make a contribution toward the expense for the welcome reception to be held on Thursday night. A motion was made by Mr. Sluss to set a cap of \$2,000.00 for the contribution to the welcome reception. Ms. Collins seconded the motion. The motion carried.

### **Ratify Agreed Citations**

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

#### **Billie Sue Foster, LMT**

Ms. Foster was assessed total civil penalties in the amount of \$1,400.00 for practicing massage therapy on a lapsed license.

#### **Joseph Scott Brown, DC/Access Healthcare, P.C. d/b/a Brown Chiropractic**

Dr. Brown was assessed total civil penalties in the amount of \$4,800.00 for operating a massage establishment on a lapsed license.

Brent D. Donahue, LMT/Therapeutic Massage for Relaxation and Wellness

Mr. Donahue was assessed total civil penalties in the amount of \$200.00 for operating a massage establishment on a lapsed license.

Karen Sky Miller, LMT

Ms. Miller was assessed total civil penalties in the amount of \$400.00 for practicing on a lapsed license.

The motion carried.

**Discussion – Continuing Education (CE) Course Approvals/Copyrights**

Ms. Collins expressed her concerns regarding continuing education courses submitted for review/approval which do not include acknowledgement of or permission to use copyrighted materials. Ms. Collins requested that a rule amendment be considered which would require individuals submitting courses for approval by the Board to provide documentation of copyright permission for the materials contained in the course. Ms. Collins feels that this requirement is needed to ensure the standard and quality of courses approved by the Board. Drafts of an application for providers of continuing education previously submitted by Ms. Collins and language for proposed rule amendments will be presented to the Board for review and discussion at the board meeting scheduled to be held on July 17, 2009.

**Inspection Contracts**

The Board had previously approved changing the massage establishment inspection contracts to reduce the number of periodic inspections conducted monthly. Board members were informed that it had now been determined that the existing contracts could not be amended; and, therefore, in order to reduce the number of periodic inspections, the existing contracts would need to be cancelled and the bid process initiated. Upon review and discussion, Ms. Mayton made a motion, seconded by Ms. Collins, not to change the existing contracts. The motion carried.

**Board Correspondence**

The Board reviewed correspondence from Karen Sky Miller, LMT, in which she requested a monthly reminder be sent regarding licensure renewal. The Board expressed the opinion that no reminder was necessary as it is the licensee's responsibility to ensure that all requirements for licensure renewal are met. Ms. Lampley will prepare a response to Ms. Miller.

**2010 Board Meeting Dates**

A motion was made by Mr. Sluss, seconded by Ms. Collins, to accept the following board meeting dates:

February 22 - 23, 2010  
May 3 - 4, 2010  
August 2 - 3, 2010  
November 8 - 9, 2010

The motion carried.

### **Ratifications**

Ms. Collins made a motion to approve all new and reinstated licenses for massage therapists and massage establishments issued from January 22, 2009 through April 15, 2009. Ms. Mayton seconded the motion. The motion carried.

### **Massage Therapists**

ALLISON PAIGE AKINS  
MARGARET LEIGH ARIAS-ALVEREZ  
BRITNI LEE BACHORSKI  
TANECHIA JE'MILLE BERRY  
JESSICA LYN BETHUNE  
WENDY ANN BETHUNE  
CYNTHIA DAWN BIGGS  
ROBIN VANESSA BLAISDELL  
DIANNE MICHELE BRADLEY  
NINA MARIE BRAINARD  
KIELY ANN BROWN  
PAOLO A. CAGLIO  
GREGORY A. CARDER  
RONDA ELLEN CARPENTER  
LISA ANNE CHEATHAM  
SHELLY DAWN COLE  
WILLIAM ALLEN COLEMAN  
EDWARD MICHAEL COLLINS  
JENNALEE CARRA COMAROMI  
JESSIE MAE COONEY  
ASHLEY DAWN CORNETTE  
RENITA FAYE COX  
MELANIE SHERYL CRAIG  
SHARON L. CRISP  
GWENDOLYN KIM DELORME  
VERA GRIGORYEVNA DROZHZHIN  
CHERYL ANN DULONG  
LINDA SUE DUPES  
JUSTIN DAVID EAST  
JAMIE LYNN ECCHER

ROBYN ANN ELKINS  
STEPHANIE RHEANNE ELLIS  
RACHEL MICHELLE ESPEY  
MARY D. ETHERIDGE  
MICHELLE CATHERINE EVANS  
SHEILED A S. FALLS  
MECHELE FELTS  
JOYCE KAY FISHER  
SUZANNE ELIZABETH FLEISCHMANN  
JAMISON DANIEL FRICKE  
RACHEL M. GARNER  
CHANCE LYNN GIBSON  
MISTY LYNN GOODWIN  
TERESA ELIZABETH GREENE  
TANYA MARIE HATCH  
BENITA KAYE HEARNDON  
VERONICA LEE HILL  
SANYA MICHELLE HOLCOMB  
ROSEMARY ANNETTE HOWARD  
TRACIE ANN HOWLETT  
GUOKU HU  
KAPUI IP  
MARY MONTGOMERY JACKSON  
ANGELA LYNN JAMES  
CINTHIA LILLIAN JASPER  
LAKITA DENISE JOHNSON  
JENNA SUZANNE JORDAN  
BEVERLY GAYLE JULIAN  
JEREMY LEE JUNE  
ADRIENNE LEE KELLEY

KENNY BRADBURY KIDD  
RHONDA CHARLOTTEANN KLIMPEL  
NATALIE MARY KUWIK  
ANGELA MARIE LANE  
STEVEN J. LAPUSNAK  
RONALD E. LEES SR.  
SARA LYN LOOPE  
ARIANNE RUTH LORANCE  
LERONE MICHAEL MAJOR  
BILLY LAMONT MCCLAIN  
SARAH RENEE MCGILVREY  
CATHERINE CHRISTANNE MCGUIRE  
KRYSTAL KAYE MILLER  
AMANDA L. MITCHELL  
BRYCE DEREK MOORE  
CHERILYNN KAYE MORRIS  
BRANDY ANNETTE MUNDAY  
KENNETH BRIAN NEIDERLAND  
KEVIN JAMES NOLAN  
HEIDI LOUISE PAULSON  
JENNIFER LEIGH PEACOCK  
GAY BYINGTON PELHAM  
RANDALL LEE PENDERGRASS  
COURTNEY ELLEN PENNINGTON  
KARI DANNIELLE PHILLIPS  
LUCY ANN POPRAWSKI  
KERI LYNN POWE  
PATRICIA ANN PRENTICE  
KRISTINE MARIE PRICE  
ALAN CHARLES QUEEN  
KRISTAL DAWN RANDOLPH  
IESHIA LEE REIGEL  
VALERIE JEAN RICH  
CHRISTINA MARIE RIECK

JAMES C. ROGERS  
STEPHANIE DAWN SALA  
RAYLEANA MARIE SCHENKENFELDER  
BRITTANY DANIELLE SEAGROVES  
KENNETH D. SESSIONS  
HEATHER JOSEPHINE SING  
ROBIN GAY SMALLEN  
LINDSEY BROOKE SMITH  
ELIZABETH ANN SMITLEY-CICOTTE  
HOPE ALEXIS SHAMERELLE SPENCER  
JOHNATHAN DAVID STILLIS  
ALLISON NICOLE STOCKS  
LORI LYNN STOKES  
SARAH DRUE STRAIN  
MEGHAN CAMILLE THROWER  
AMBER NICOLE TOLBERT  
BETTY SUE TOLLETT  
YESENIA TOVAR  
CYNTHIA LYNN VENABLE  
HANA KARLA VENTURA  
KAREN LYNN WALLACE  
MARQUISTOS D. WALTON  
MARIE E. WESCOTT  
JILL WESTMORELAND  
PATRICIA DARLENE WHITE  
CAYLA MARIE WICK  
ALEXANDRIA LEIGH WILLIAMS  
MANDY MAE WILLIAMS  
KEITH LEE WOOTEN  
CHRISTOPHER DALE WRIGHT  
LU YIN  
CLIFTON T. YOTT  
JIAN ZHANG  
XIAOGANG ZHANG

**Massage Therapists Reinstated**

JANA ANDERSON BARNETT LMT  
DAMIAN SHANE BOGGY  
SHEILA CATHERINE BROWN  
KINETH ANTRAIL COBB  
MARK ANTHONY COBB  
KYLE MICHAEL COLGAN  
LAUREN CHRISTINE CRUM  
BILLIE SUE FOSTER

ASHLEY NICHOLE HENDRIX  
TIFFANI DONIELLE JOHNSON  
REBECCA A. KAHN  
KATRINA DAWN KEPF  
JOSEE ANN KNECHT  
KRISTIN RAY MORRIS  
DAVID MATTHEW PIERRE  
ROBIN LYNN PRESTON

JULIE ANN ROBERTS  
BARBARA LEE ROSENBERG  
ALLISON NICOLE ROSS  
KIMBERLY JO SCHROEDER

LE VINH  
KENDRA LEE WELLS  
GRETCHEN ANN WESTMORELAND

**Massage Establishments**

A NEW BEGINNING  
A NEW BEGINNING  
ALISON'S SALON AND DAY SPA  
ANGEL DAY SPA  
APPALACHIAN TRAINING CENTER FOR HEALING ARTS  
AQUA FOOTCARE & MASSAGE CTR & TAI JI EXERCISES #5  
ATHENA DAY SPA  
ATHENS THERAPEUTIC MASSAGE  
BACK RUBZ MASSAGE THERAPY  
BACK TO HEALTH CHIROPRACTIC, LLC  
BODIES KNEADED  
BODY BALANCE MASSAGE THERAPY  
BODY HARMONY MASSAGE THERAPY  
BOUNCE BACK YOGA AND WELLNESS CENTER, LLC  
BRISHA SALON AND SPA  
BROWN CHIROPRACTIC AND REHAB LLC  
COOL SPRINGS BACK AND NECK CARE, INC.  
COSMETIC LASERS MEDI SPA, LLC  
CUMBERLAND PAIN CLINIC  
DANA GREER'S MASSAGE THERAPY  
DONNA M. GREENE, L.M.T. MASSAGE THERAPY  
EUPHORIA SALON AND DAY SPA  
FLEUR DE LYS SPA  
FOREVER TAN  
FUSION MEDICAL MASSAGE  
HALSTON DUKE  
HEALING HANDS MASSAGE  
HEALING HANDS MASSAGE  
HEALING HANDS-THERAPEUTIC MASSAGE  
HIXSON SPINE CENTER OF CHATTANOOGA, INC.  
HOLISTIC TOUCH  
JACKSON CHIROPRACTIC  
JENNIFER SWALLOWS  
JOYCE FISHER LMT, THERAPEUTIC MASSAGE AND REFLEXOLOGY  
LIGHTEN UP SALON AND SPA  
LISA'S MASSAGE WORKS  
MASSAGE AND BODYWORKS BY SHARON  
MELANIE L. SCHLACHTER

MELLOW MOOD DAY SPA  
MERLE NORMAN COSMETICS AND DAY SPA  
MICHEAUXE LLC  
MISTI GARRETT, LMT  
MT. JULIET MASSAGE CENTER  
NATURAL ALTERNATIVES SALON AND SPA  
NEW DIMENSIONS INTEGRATIVE THERAPIES  
NEW YOU SALON AND SPA  
OPTIMAL HEALTH CHIROPRACTIC  
ORANGE PEARL SALON AND SPA  
PAIN RELIEF CENTER OF COOKEVILLE  
PARIS NAILS I NAILS AND TAN  
PRAIRIE LIFE FITNESS  
RELAX ESCAPE REJUVENATE  
RENUTHERAPEUTIC MASSAGE  
ROYAL TREATMENT DAY SPA AND SALON OF CHATTANOOGA  
S.K.Y. EXPRESS INC. D.B.A. MASSAGE AND MORE  
SABAI THERAPEUTIC MASSAGE  
SALON ENVY  
SALON IMAGE  
SARAH'S PLACE, HAIR AND NAIL SALON  
SERENDIPITY SPA  
SHEAR ELEGANCE  
SHEAR ESSENCE  
SHOW TIME MASSAGE THERAPY  
SIMPLY SKIN MEDICAL SPA, LLC  
SPINAL HEALTH CARE ASSOCIATES  
SPORTS PLUS AQUATHERAPIES  
STEPHANIE'S THERAPEUTIC MASSAGE  
SUSAN BUCK THERAPEUTIC MASSAGE  
SWAN THERAPY  
TRANQUIL KNEADS  
TRANSFORM YOURSELF/BODYWORK AND MASSAGE  
TRANSFORMATIONS  
TRENDITIONS HAIR STUDIO  
TRIPLE R MASSAGE  
VANDERBILT CENTER FOR INTEGRATIVE HEALTH  
VERA'S MASSAGE SPA  
XIAN SHU, INC.  
XIAN SHU, INC. D/B/A AQUA FOOT CARE  
XIAN SHU, INC. D/B/A ORIENTAL REFLEXOLOGY CENTER  
XIAN SHU, INC. D/B/A TAI JI EXERCISES  
ZURI BODY SPA

### **Massage Establishments Reinstated**

ACCESS HEALTHCARE, P.C.D/B/A/ BROWN CHIROPRACTIC  
ALLUSIONS SALON AND SPA  
B POLISH'D NAILS AND SPA  
BALANCE  
BALANCE BODYWORK, LLC  
BARBARA J CONDON, LMT  
HEALTH QUEST  
IN BETWEEN TIME MASSAGE THERAPY  
KIVA SALON AND SPA, L.L.C.  
MEDICAL MASSAGE INSTITUTE, LLC  
REBBECA FORCE, LMT  
THE BODY CONNECTION  
THERAPEUTIC MASSAGE FOR RELAXATION AND WELLNESS

### **Approved Continuing Education Courses**

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

1. Tennessee Law for Tennessee Massage Therapists – 2 hours, by Charles West
2. Head, Neck and TMJ Dysfunction – 16 hours, by Jim Cain
3. Upper Extremity – 16 hours, by Jim Cain
4. Pelvis – 16 hours, by Jim Cain
5. Lower Extremity – 16 hours, by Jim Cain
6. Tennessee Massage Law – 2 hours, by Chris Murov, Cumberland Institute of Holistic Therapies

The motion carried.

### **Minutes**

Upon review of the minutes from the February 9 – 10, 2009 board meeting, the Board requested several revisions to the minutes. Mr. Sluss made a motion, seconded by Ms. Mayton, to defer approval of the minutes until such time as the requested revisions were completed. The motion carried. The minutes as amended will be presented for review/approval by the Board at the next scheduled board meeting.

The meeting adjourned for the day at 3:25 pm.

**MINUTES OF  
TENNESSEE MASSAGE LICENSURE BOARD**

May 5, 2009

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

Location: 227 French Landing  
HRB Conference Center  
1<sup>st</sup> Floor, Iris Room  
Nashville TN 37228

Members Present: Phyllis Salyers, LMT, Chairperson  
Chris Sluss, LMT, Secretary  
Faith Mayton, LMT  
Marilyn Field, Citizen Member

Members Absent: Marcela Collins, LMT  
Cynthia Jagers, LMT

Vacant Position: Citizen Member

Staff Present: Dale Hill, Board Administrator  
Andrea Huddleston, Advisory Attorney  
Lisa Lampley, Board Director  
Elizabeth Miller, Director, Health Related Boards

The meeting was called to order at 9: 22 a.m. by Ms. Phyllis Salyers, Board Chairperson.

**Applicant Interview**

**James Kurt Derusha**

Mr. Derusha's interview was continued from the previous day in order for information to be presented as to the disposition of the steroid possession charge in 2000. Ms. Huddleston, Board Attorney, stated that no additional documentation could be obtained; however, she had been informed by the court system that Mr. Derusha was not adjudicated guilty and that there was no conviction. She further stated that Mr. Derusha would be entitled to an expungement of the arrest record; however, that process would take months to complete. Upon questions by the Board regarding the recent practice of massage therapy, Mr. Derusha stated that he had practiced in his establishment prior to the establishment being licensed. He had submitted an application for a massage establishment; however, the establishment license has not yet been approved. Upon discussion of Mr. Shiva Bozarth, Office of General Counsel, Ms. Mayton made a motion, seconded by Ms. Salyers, to deny the license based on the fact that Mr. Derusha had practiced as a licensed massage therapist in an unlicensed massage establishment in violation of T.C.A. 63-18-

108(10). Ms. Salyers seconded the motion. Mr. Sluss made a motion to amend the motion to also include violation of T.C.A. 63-18-108(9) as grounds for denial of the license. Ms. Salyers seconded the motion. The motion carried with Ms. Fields abstaining. Ms. Fields made a motion, seconded by Ms. Mayton, to request the following actions be completed immediately: issuance of a cease and desist letter to Mr. Derusha; rescindment of the temporary authorization to practice issued on February 12, 2009; licensure verification on Board's website to reflect "inactive" licensure status. The motion carried.

### **Contested Case – Trent A. Holt, LMT**

Mr. Trent Holt, LMT, was present and was not represented by an attorney. Ms. Andrea Huddleston, Assistant General Counsel, represented the State. The proceedings were presided over by Mary M. Collier, Administrative Law Judge. Mr. Holt was charged with sexual misconduct on two separate occasions with two different individuals. Ms. Rosaleen O'Sullivan, LMT, a former co-worker of Mr. Holt, testified on behalf of the State, via telephone conference, regarding Mr. Holt's actions during a massage which she received while they were both employed at the same establishment. Testimony, on behalf of the State, was then provided by Ms. Diane Spaeth, via telephone conference, regarding massages received from Mr. Holt and alleged sexual activities conducted in a massage establishment. The State presented testimony from Ms. Diann Smithson, Director, Lighthouse Professional Services. Ms. Smithson stated that Mr. Holt had been referred to Lighthouse Professional Services for issues regarding inappropriate touch. An assessment was conducted which determined a need for an evaluation by a healthcare provider. The name and telephone number of a provider was given to Mr. Holt; however, an evaluation was never obtained. Mr. Trent Holt, LMT, testified on his own behalf. Closing arguments were then presented by both sides.

Upon deliberation, the Board found the Respondent guilty of sexual misconduct in a massage establishment. A motion was made by Mr. Sluss, seconded by Ms. Mayton, to revoke the license and assess total civil penalties in the amount of \$2,000.00 plus costs of the proceedings. The motion was amended to assess costs of the proceedings not to exceed \$3,000.00. The motion carried.

Board members expressed their concerns regarding the absence of Ms. Dianne Birkner, Board Manager, at this meeting and their continued support of Ms. Birkner and Ms. Hill as board staff.

Being no further business, the meeting adjourned at 12:50 p.m.

**These minutes were ratified at the meeting held on August 10 - 11, 2009.**