

**MINUTES OF  
TENNESSEE MASSAGE LICENSURE BOARD**

Date: August 11, 12, 2008

August 11, 2008

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

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

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

Vacant Position: Citizen Member

Staff Present: Dianne Birkner, Board Manager  
Dale Hill, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Elizabeth Miller, Director, Health Related Boards  
Albert Partee, General Counsel  
Allison Cleaves, Chief Deputy General Counsel

The meeting was called to order at 9:07 a.m. by Ms. Phyllis Salyers, Board Chairperson.

**Welcome New Board Member**

Ms. Salyers introduced Ms. Cynthia Jagers, LMT as the newly appointed Board member. Ms. Jagers is from East Tennessee and is employed at Virginia College School of Business and Health.

**Conflict Of Interest**

Ms. Armstrong reviewed the Conflict of Interest Policy with the Board and requested that Ms. Jagers sign the Policy.

## Minutes

Ms. Collins made a motion to approve the minutes of the May 5, 6, 2008, Board meeting as written. Mr. Sluss seconded the motion. The motion carried.

## Applicant Interviews

### Jason Samograd/Bodyworks Emporium, LLC

Mr. and Mrs. Samograd were requested to appear before the Board for the Board to determine if a massage establishment, to be located on a boat or yacht, would meet the establishment requirements. Mr. Samograd explained that they have not purchased the vessel as of yet pending the decision of the Board. After a lengthy discussion Ms. Collins made a motion to approve the application for licensure upon receipt of the VIN# of the boat/yacht to be purchased and upon the boat/yacht passing the state establishment inspection. Mr. Sluss seconded the motion. The motion carried.

### Scott M. Beese, LMT

Ms. Birkner explained that Mr. Beese was approved for licensure and issued a "Go to Work" letter on March 31, 2008. On April 7, 2008 staff received a letter from Mr. Beese notifying the Board that he was convicted of a DUI on May 20, 2007, which he did not report on his application for licensure. The Board voted to defer action on Mr. Beese's application until the August meeting and required that he contact Lighthouse Professional Services to schedule an evaluation. Ms. Smithson of Lighthouse Professional Services appeared at the meeting and indicated that the assessment indicated no alcohol or drug related problems for Mr. Beese. Ms. Collins made a motion to grant Mr. Beese a license. Mr. Sluss seconded the motion. The motion carried.

### William Stephen McKee

Mr. McKee appeared before the Board to give an explanation regarding a misdemeanor of DWI conviction in 2005. Ms. Smithson of Lighthouse Professional Services appeared at the meeting and indicated that the assessment indicated no alcohol or drug related problems for Mr. McKee. Mr. Sluss made a motion to grant Mr. McKee a license. Ms. Collins seconded the motion. The motion carried.

### Samuel Scott Borthick/The 400 Spa

Mr. Borthick appeared before the Board to give an explanation regarding a reckless driving conviction in July 2005. Ms. Smithson of Lighthouse Professional Services appeared at the meeting and indicated that the assessment indicated no alcohol or drug related problems for Mr. Borthick. Ms. Field made a motion to grant Mr. Borthick a license. Ms. Collins seconded the motion. The motion carried.

### Stephen Gibbs

Mr. Gibbs appeared before the Board to give an explanation regarding an open container conviction in May 2003. Ms. Smithson of Lighthouse Professional Services appeared at the meeting and indicated that the assessment indicated no alcohol or drug related problems for Mr. Gibbs. Mr. Sluss made a motion to grant Mr. Gibbs a license. Ms. Collins seconded the motion. The motion carried.

### Ryan Peters

Mr. Peters appeared before the Board to give an explanation regarding a misdemeanor conviction of driving on a suspended license. Based on information in Mr. Peters file, he was requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and indicated that the assessment indicated no alcohol or drug related problems for Mr. Peters. Ms. Field made a motion to approve Mr. Peters for licensure. Mr. Sluss seconded the motion. The motion carried.

### David Michael Volentine, DC

Dr. Volentine appeared before the Board to give an explanation regarding a 2003 misdemeanor conviction for domestic battery. He also requested that the Board consider him for licensure based on education obtained through his chiropractic education. Mr. Volentine stated he has not applied for a chiropractic license in Tennessee and that he does not plan to do so. Ms. Collins stated she has concerns that his transcripts do not indicate any massage therapy training, that the course description/catalog from the educational institution that he attended does not contain a massage curriculum. She also expressed concern that Dr. Volentine is working at High Tech Institute-Memphis as the school's program manager/director but does not meet THEC's requirements to teach.

Ms. Collins further stated she has concerns regarding the letter from High Tech stating that Dr. Volentine completed his law and ethics courses. The letter was signed by the LMT who taught the course and not the Registrar. Ms. Collins made a motion to defer action on Dr. Volentine's application until there is submitted an official letter or transcript from the Registrar's office to the Board office confirming his completion of at least a five (5) hour Tennessee law course and a ten (10) hour ethics course, and until there is submitted a summary of his massage therapy courses. The requested information must be submitted directly to the Board office from the school. Dr. Volentine is required to appear before the Board at the October meeting. Ms. Jagers seconded the motion. The motion carried.

### **File Review**

#### Amber Lynn Vitse

Ms. Vitse's file was brought before the Board for consideration for licensure based on education credits received at an osteopathic school. Ms. Collins made a motion to deny Ms. Vitse's

application for licensure because her education does not meet the requirements as outlined in the Tennessee massage rules and regulations. Mr. Sluss seconded the motion. The motion carried.

**Administrator/Directors Report**

Ms. Birkner presented the report regarding statistical information and license status activity through June 30, 2008:

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
Active Licensees – 4149	Active Licensees – 1446
Retired Licensees – 667	Retired Licensees – 358
Failed to Renew – 1965	Failed to Renew – 421

**LICENSE STATUS SINCE LAST MEETING**

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>April 2008</b></i>	<i><b>April 2008</b></i>
Newly Licensed – 42	Newly Licensed – 25
Reinstates – 8	Reinstates- 3
Retired- 6	Retired- 3
New Applications- 36	New Applications- 25

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>May 2008</b></i>	<i><b>May 2008</b></i>
Newly Licensed – 57	Newly Licensed – 29
Reinstates – 12	Reinstates- 2
Retired- 10	Retired- 11
New Applications- 54	New Applications- 27

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>June 2008</b></i>	<i><b>June 2008</b></i>
Newly Licensed – 39	Newly Licensed – 23
Reinstates – 5	Reinstates- 5
Retired- 9	Retired- 11
New Applications- 43	New Applications- 22

## School's Pass/Fail Rate Report

Ms. Birkner submitted the following report based on the pass/fail rates from January 1, 2007 through December 31, 2007, provided by the National Certification Board of Therapeutic Massage and Bodywork and the Federation of State Massage Therapy Boards:

SCHOOL	NUMBER OF CANDIDATES NCBTMB	AVERAGE PASS RATE NCBTMB %	NUMBER OF CANDIDATES FSBTMB	AVERAGE PASS RATE FSBTMB %	OVERALL PASS RATE
Bodyworks School of Massage, Jackson	18	55.6	N/A	N/A	55.6
Chattanooga Massage Institute, Hixson	23	73.9	N/A	N/A	73.9
Concorde Career College, Memphis	41	43.9	1	100	45.2
C.O.R.E. Center of Rehabilitation, Knoxville	13	61.5	N/A	N/A	61.5
Cumberland Institute Of Holistic Therapies, Inc. Brentwood	14	85.7	N/A	N/A	85.7
Georgia Career Institute, McMinnville	No Data	No Data	N/A	N/A	No Data
Georgia Career Institute, Murfreesboro	No Data	No Data	N/A	N/A	No Data
High Tech Institute, Memphis	55	16.4	N/A	N/A	16.4
High Tech Institute, Nashville	94	37.2	2	100	38.5
Holston Institute of Healing Arts, Gray	21	85.7	N/A	N/A	85.7
Institute of Therapeutic Massage & Movement, Nashville	7	57.1	N/A	N/A	57.1
Massage Institute of Cleveland, Cleveland	16	81.3	N/A	N/A	81.3
Massage Institute of Memphis, Memphis	13	76.9	N/A	N/A	76.9
Middle Tennessee State University, Murfreesboro	6	50	N/A	N/A	50
Miller Motte Technical College, Chattanooga	32	62.5	N/A	N/A	62.5
Miller Motte Technical College, Clarksville	27	66.7	N/A	N/A	66.7
Mind Body Institute, Nashville	10	80	1	100	81.8
Natural Health Institute, Nashville	40	77.5	N/A	N/A	77.5
Reflections of Health School of Massage, Johnson City	29	86.2	N/A	N/A	86.2
Remington College, Nashville	No Data	No Data	N/A	N/A	No Data
Roane State Community College, Oak Ridge	12	58.3	N/A	N/A	58.3
Southeastern Career College, Nashville	1	100	N/A	N/A	100
Southern Massage Institute, Collierville	14	71.4	1	100	73.3
Tennessee School of Massage, Memphis	3	66.7	N/A	N/A	66.7
Tennessee School of Therapeutic Massage, Knoxville	60	78.3	N/A	N/A	78.3
Tennessee School of Therapeutic Massage, Knoxville	3	66.7	N/A	N/A	66.7

After review of the scores Ms. Collins stated the information provided to the State was inaccurate from both the NCBTMB and FSTMB. The Board instructed staff not to post the scores on the website at this time.

### **Establishment Inspection Report**

Ms. Birkner reported there were seventy-six (76) inspections conducted in Middle Tennessee, eighty-eight (88) conducted in East Tennessee and thirty-six (36) conducted in West Tennessee during the months of April, May and June 2008.

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

- 2 establishments received a single deficiency for not having a massage therapist
- 3 establishments received a single deficiency for not having a copy of the massage therapists' licenses
- 1 establishment received a single deficiency for having a dirty face cradle

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

- 5 establishments received a single deficiency for not having a smoke detector
- 1 establishment received deficiencies for not having a smoke detector or a fire extinguisher
- 1 establishment received a single deficiency for not having a working smoke detector

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

- 1 establishment received a single deficiency for not having a working smoke detector
- 1 establishment received a single deficiency for not maintaining equipment in a sanitary condition
- 1 establishment received a single deficiency for not having a massage therapist

### **Investigation/Disciplinary Report**

Ms. Juanita Stone, Disciplinary Coordinator, Office of Investigations, reported there are a total of twenty-five (25) open complaints for massage therapists and establishments. She further reported that in July 2008, no new complaints were received. Also in the month of July, five (5) complaints had been closed, two (2) with no action, and three (3) were referred to the Office of General Counsel.

### **Financial Report**

The Board reviewed the financial report which shows a projected cumulative carryover at June 30, 2008 as -\$7,273.21. Ms. Miller explained that the most current report with the actual year end closure figures should be available soon.

## **Office of General Counsel Report**

Ms. Armstrong reported the following:

### **Rules:**

1. Fee increases, continuing education, examinations, standards and schools (0870-1-.01, -.02, -.04 to -.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. Pending OGC/BHLR approval, the rulemaking hearing will be held at the Board's October 27-28, 2008 meeting.

### **Litigation:**

The Office of General Counsel, Tennessee Department of Health, currently has eighteen (18) open cases pertaining to the Massage Licensure Board.

### **Review and Discuss Legislation**

Ms. Armstrong reported that Public Chapter 801 extends board member terms to five (5) years, and requires that board members have a minimum of five years experience. It also gives the Board the ability to charge a fee for course approval of continuing education courses. Public Chapter 1070 requires notification to licensees of new rules and laws pertaining to their profession and Public Chapter 1179 pertains to the Public Records Act and sets deadlines to respond.

### **Lapsed Licensees and Failure to Comply with Continuing Education Requirements**

Ms. Cleaves addressed the Board concerning the Board's current policy relative to lapsed licenses and explained that when civil penalties are imposed, it is considered disciplinary action. Ms. Collins made a motion to affirm the current policy relative to lapsed licenses/unlicensed practice and authorizes the Office of General Counsel to implement the policy through a legal document such as an agreed citation or consent order with the understanding that imposition of a civil penalty and implementing this policy is discipline to the licensee and is reportable on the Department's Monthly Disciplinary Report. Ms. Field seconded the motion. The motion carried.

Ms. Cleaves also addressed the Board concerning the Board's current policy relative to continuing education violations. Ms. Field made a motion to affirm the current policy relative to continuing education violations and authorizes the Office of General Counsel to implement the policy through a legal document such as an agreed citation or consent order with the understanding that imposition of a civil penalty and implementing this policy is discipline to the licensee and is reportable on the Department's Monthly Disciplinary Report. Mr. Sluss seconded the motion. The motion carried.

## **Discuss Type of Files to be Referred to Lighthouse Professional Services**

After a brief discussion the Board will consider amending their current policy relating to substance abuse at the October 27, 28, 2008 meeting.

## **Request Approval of a Continuing Education Course**

Mr. Chuck Hale was present to request approval of two courses he will be providing relating to Professional Ethics-2 hours and Tennessee Massage Law-2 hours. Ms. Collins had reviewed the courses and referred them for full Board review because she felt not enough course material was presented. Mr. Hale stated he could e-mail Ms. Collins additional information. The Board postponed action pending receipt of the information.

## **Board Correspondence**

Letter from Susan Kelly Sanders, LMT

Ms. Birkner presented a letter from Ms. Susan Kelly Sanders, LMT proposing to offer massage therapy at a nudist resort, Rock Haven Lodge Resort in Murfreesboro, and asking for exemption from draping rules and asking whether she would be required to obtain an establishment license. Ms. Armstrong advised the Board that there are no exemptions available to the draping procedures and that if Ms. Sanders is receiving payment for massage therapy services then a massage establishment license would be required. Ms. Birkner will respond to Ms. Sanders.

## **Ratifications**

Ms. Collins made a motion to ratify all new and reinstated licenses for massage therapists and massage establishments issued from April 16, 2008 through July 18, 2008. Mr. Sluss seconded the motion. The motion carried.

## **Massage Therapists**

ARTY JASON ATKINS  
SARAH JEANNE BACH  
KAREN C. BAISDEN  
MICHELE NICOLE BAKER  
JOSEPH DENNIS BARBAGALLO  
AMY DIANE BASS  
KATHERINE NICOLE BINETTE  
TINA MARIE BRIDGES  
GEORGINA RENA BROOKS  
ANDREA JOY BROUCEK  
TRACY MICHELLE BROWN  
DANIEL JAMES BROWNELL  
CHRISTY ANN BUSSEY  
PATRICIA ROOKS BYROM

MELISSA GAIL CAMPBELL  
MIKI CAMPBELL  
REBECCA ANNE CHRISTIANSON  
JACQUETTA ANN CIPRIANO  
SUSAN L. COLLINS  
KIMBERLY MICHELE COOLEY  
BRANDI DANIELLE COPELAND  
KIM BROWN CORWIN  
ARIC EDWARD CRABILL  
JUSTIN WALLACE CUMMINS  
JAN CUZZORT  
STACEY MELINDA DAVIS  
ASTRID JEAN DEES  
JENNIFER DIANE DEPTA

DEBBIE A. DIRR  
SARAH JANE DOUGHERTY  
PEGGY CARLEENE FABOZZI  
TERESA ANN FARMER  
ANGIE SUE FERGUSON  
DESIREE RACHEL FERNANDO  
REBEKAH DANELL FISER  
JULIE ANN FITZGERALD  
MARIAN ALICE FRUTH  
CHERI ELLEN GAJEWSKI  
AMANDA RACHELLE GIBSON  
MONICA GOCHEE  
HEATHER NICOLE GOODSON  
MICHELLE GOODWIN  
MIRANDA MAY GREEN  
JASON MARTIN GREER  
GLORIA LAVERNE GREGG  
MATTIE LADONYA GRIFFIN  
ANN MICHELE GUEST  
PAMELA ADA HALEY  
MARLA DAVIS HALL  
ARIN ALEXANDER HARRIS  
BRENTON TYLER HARRIS  
KIMBERLY HUSE HATCH  
KEVIN ROBERT HATMAKER  
STEPHANIE LEANN HAWKINS  
AMY COOMBS HERTZOG  
SHARI E. HOOPER  
SUSAN MARIE HUNNICUTT  
HOLLY ANN JACKLE  
DEBORAH DARLENE JAMES  
TRECHIA COLE JAMES  
JENNIFER BROOKE JARVIS  
KELLI MICHELE JEFFERY  
AMY LYNN JERVIS-GOBER  
DAVID LEE JOHNSON  
BARBARA ANN JONES  
CASIE BROOK JONES  
NINA KAY KING  
JASON ALLAN KINN  
TAMMYE RENEE KIRKLAND  
CHRISTY ELIZABETH KOSTER  
JANIE SUE KRAFT  
DAVID ALAN KUHN  
CAROL ANN LAMB  
DAWN MARIE LAPRAD

LISA GAIL LARSON  
ALISON DAWN LATTIMORE  
AMANDA DALE LEMING  
LORI LEE LEWIS  
LAURA ERIN LINDSEY  
VERONICA ROXANNE LOEPKE  
ALICIA ADELINE LOGAN  
ADRIEN GREY MACKENZIE  
NINA LOUISE MAGNIN  
ELIZABETH ASHLEY MANN  
LISA MARIE MANNARINO  
MELANIE C. MARTIN  
MARICA RENEE MATTHEWS  
LESLYE J. MAY  
DIANA LEWIS MAYFIELD  
AMY MARIE MCNEAL  
JENNY LEE MIDYETT  
KAMELA HOPE MITCHELL  
PATRICIA JUNE MONTGOMERY  
JAMES ROBERT MURRY  
KIMBERLY J. NASH  
KATHLEEN O. PAFFRATH  
BOBBY DUANE PARKER  
AMBER N PASQUALONE  
KENYARDA T. PATTERSON  
JULIANA MARIE PAVLICK  
JAMES VINCENT PECORA  
WHITNEY AILENE PENDERGRASS  
CELIA ANN PETERS  
JAMES EDWARD PETTY  
CASSIE RENA PEWITT  
ANDREA MICHELLE PILOT  
KATIE ANN REARDON  
ZACHARY REAGAN RIDDLE  
SARAH G. RYAN  
CHRISTINE ELIZABETH SAMMONS  
MELANIE LYNN SCHLACHTER  
STEVEN SCHWARTZ  
SAVANNA JO SETZER  
CAROLYN MARIE SHAFER  
APRIL RENEE SHAFFER  
AMANDA MARIE SHEPPARD  
ANDREA LEIGH SHIPLEY  
RAQUEL WYNN SHOUSE  
ABIGAIL SIMPSON  
MELISSA LEIGH SISK

CINNAMON DANIELLE SKINNER  
JULIE ANN SLOAN  
KATIE AVONELL-SUZA SMILEY  
BRITTANY SEASON SMITH  
COREY JAMES SMITH  
ASHLEY NECHOLE STAGGS  
SHERI LYNN STEWART  
KEVIN L. STUP  
MERCEDI A.E. SURFACE  
STEPHANIE N. TANNER  
LATOSHA DENISE TATE  
THAIRL LAMONT TAYLOR  
FRANCES MAE THOMASON  
KRISTY DAWN TOLLESON  
KIMBERLY HURD TRIPP  
KATHERINE MARIE TUCKER  
LEVI CLEVELAND VANNOY III  
CAROL M. VOGT

CHRISTINA DAWN WARWICK  
LAURA DREW WASHINGTON  
FLORENCE LEE WATTS  
SARAH L WELCH  
WENDY DIANNE WESTBROOK  
MELINDA DAWN WHISMAN  
KIMBERLY MARIE WHITEKER  
ANDREA MICHELLE WILKE  
BRETT NATALIE WILLIAMS  
DEBORAH ANN WILLIAMS  
LORA ANN WILLIAMS  
TIFFANY LYNN WILLIAMS  
JESICA KRISTIN WILLIAMSON  
TRAVIS O'DELL WILLIAMSON  
CHRISTY R. WIX  
JACQUELINE RENE WOODEN  
TERRA RENEE WRAY

#### **Massage Therapists Reinstated**

KENNETH HOWELL ALLEN LMT  
JAMIE ALESE BERRY  
LATOYA DENISE BROWN  
LISA STEELE BROWNE  
JENNIFER DENISE BRYAN  
JESSICA ELAINE CAVINESS  
ERICA MICHELLE COLE  
AVIS MARIZZE CRAWFORD LMT  
MICHELLE LEIGH DICKERSON  
MICHELLE ELAINE FAHIDY LMT  
JULIA CATHERINE GOODRUM  
NICOLA MALEY GRIFFIN  
DIANE M. HAMILTON  
JANELLA J. HAMRA LMT  
TRINA SUANN INGRAM  
TRINA SUANN INGRAM  
WILLIAM R JOHNSON  
ANNETTE JONES  
ANNETTE JONES  
KRISTA S. KELLER  
HOLLY ANN KENDALL

JOY LYNN LILLARD  
JESSICA PAGE LONG  
DELONDA GAIL MCDUGAL MT  
SALLY JO MICHELS LMT  
SUSAN DIONNE MILLER  
VICIE DARLENE MOTZ  
KIMBERLY L. PENCE  
BETTINA MARIE POPE  
JESSICA SUZANNE REID  
MARINA JUDY RICHARDSON  
RENITA TINA RICKETTS  
DRUSHEENA DENISE SHAW  
LANA LASANDRIA SHUFORD  
JUSTINE ALIER SPENCER  
CONNIE L. STONE  
AMANDA DIANE TACKER  
KISHA LAJUAN THOMPSON  
RACHEL LESLEY VAUGHT  
MATHEW D. VOLKERT  
TARSHA WILLIAMS  
ARIN NICHOLE WINGO

#### **Massage Establishments**

3D ENTERPRISES, PC

A HEALTHY LIFE CHIROPRACTIC  
A NEW U THERAPEUTIC MASSAGE  
AAHHH...THERAPEUTIC MASSAGE AND BODYWORK  
ANYTIME FITNESS  
ARC MASSAGE  
ARMOUR'S HOTEL  
BABY BELLY BLISS  
BALANCED BODIES MASSAGE THERAPY  
BALANCED BODIES MASSAGE THERAPY  
BENEFICIAL TO LIFE, LLC  
BLISS SALON AND SPA, LLC  
BODYWORKS EMPORIUM LLC  
CALINA, LLC. DBA WOODHOUSE DAY SPA  
CARING TOUCH MASSAGE THERAPY  
CHATTANOOGA STATE TECHNICAL COMMUNITY COLLEGE  
DEANDREA DENTON  
DEBUTANTE SALON AND DAY SPA  
EMILY STOCKFORD, LMT  
ERIC BIREN, MELODY HOLT  
ESSENTIAL BODYWORKS  
FAIRFIELD GLADE RECREATION CENTER  
GAIA RISING  
GENTLEMEN'S TOP CUTS  
GIFTS OF TOUCH  
HILLMAN CHIROPRACTIC CLINIC  
INNER SEA MASSAGE AND YOGA CENTER  
JACKSON MEADOWS CHIROPRACTIC  
JAMES HUBBARD THERAPEUTIC MASSAGE  
KNEAD OF HEALTH  
KNEADING HANDS MASSAGE THERAPY  
LA SELVA MED SPA AND REFLEXOLOGY  
LISA YOUNG, L.M.T.  
LY'S HAIR NAILS TAN SPA  
MASSAGE ART  
MASSAGE STUDIO  
MASSAGE WORKS  
MEDICAL MASSAGE  
MISTY L. LEHNERT  
MOLLY'S HEALING TOUCH MASSAGE THERAPY  
NATURAL OASIS DAY SPA AND SALON  
NATURAL OASIS DAY SPA AND SALON  
NAUTILUS FITNESS CENTER INC. DBA TRI CITIES LIFESTYLE CENTER  
ONE EARTH HOLISTICS AND HEALING  
PEAK WELLNESS CENTER, LLC  
PINK MOON, LLC  
POINT BY POINT MYOTHERAPY

PRO NAIL AND SPA  
REGAS SKIN CARE CENTER  
REJUVENATE  
RELAXING AND SOOTHING TOUCH  
RENEWAL WELLNESS SERVICES (BOSCH ENTERPRISES, INC.)  
ROBIN NILES DBA TRANQUIL ESCAPE  
SALON AZURE  
SPA VIENNA  
SPORTS, ORTHOPEDICS AND SPINE  
STUDIO SOLEIL LLC  
TENDER WOLF MASSAGE  
TENNESSEE FITNESS SPA  
THE CUTTING EDGE  
THE DEN SPORTS SPA  
THE LEMON DROP SALON  
THE RETRO SPA  
THE STEPPING STONE MASSAGE CLINIC, INC.  
THYME 2 UNWIND  
TRANSFORMATIONS MASSAGE AND BODYWORK  
UNITED CHIROPRACTIC  
WELLNESS @ PETRA'S  
WELLS CHIROPRACTIC CLINIC  
WHITE LIGHT MASSAGE  
WILLING FAMILY CHIROPRACTIC  
WOMEN OF WELLNESS, PLLC  
YEARS YOUNGER MEDISPA

**Massage Establishments Reinstated**

AKAHAI THERAPIES  
CENTER OF ATTENTION  
HIS LOVING TOUCH THERAPEUTIC MASSAGE 2 CORINTHIANS 1:3  
JESSICA E. HOUGH  
KIM MALONE'S MASSAGE THERAPY  
STUDIO 4 HEALING THERAPY MASSAGE AND BODYWORK  
THE VILLAGE THERAPY ROOM

**Ratification of Approved Continuing Education Courses**

Mr. Sluss made a motion to ratify the following continuing education course:

1. Skill Enhancement Seminar-40-53 hours, offered by the Myofascial Release Treatment Centers and Seminars

Ms. Jagers seconded the motion. The motion carried.

Ms. Collins made a motion to adjourn for the day. Ms. Mayton seconded the motion. The motion carried and the Board adjourned at 1:25 p.m.

**MINUTES OF  
TENNESSEE MASSAGE LICENSURE BOARD**

Date: August 11, 12, 2008

August 12, 2008

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

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

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

Vacant Position: Citizen Member

Staff Present: Dianne Birkner, Board Manager  
Dale Hill, Board Administrator  
Nicole Armstrong, Advisory Attorney

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

**Contested Case**

Mary E. Kuryla a/k/a Mary E. White

The State was represented by Ms. Nicole Armstrong. Ms. Kuryla was not present. Judge Madeline Williams presided over the case.

Ms. Mayton came in after the beginning of the case; therefore, she did not participate in this hearing.

Ms. Armstrong made a motion to proceed in the absence of the respondent. The motion was granted.

Ms. Armstrong presented the case against Ms. Kuryla. The case alleges Ms. Kuryla practiced massage without a license. At the conclusion of testimony, Ms. Field made a motion for a finding

that Ms. Kuryla violated the provisions of Tenn. Code Ann. § 63-18-101, et seq. and Tenn. Comp. R. & Regs. § 0870-1 for an assessment of one (1) Type A Civil Penalty in the amount of \$500.00 plus costs of the proceedings. Ms. Collins seconded the motion. The motion carried.

Ms. Field made a motion to accept as Findings of Fact, the Allegations of Fact numbers 1 through 4. Ms. Collins seconded the motion. Ms. Birkner held a roll call vote with all members voting yes.

Ms. Field made a motion to accept as the Board's Policy Statement that "it is the duty of the Board to protect the health, safety, and welfare of the people of Tennessee. Ms. Collins seconded the motion. The motion carried.

### **Licensure Denial Appeal**

#### **Ok Vickers/Caring Hands**

The State was represented by Ms. Nicole Armstrong. Ms. Vickers was present and waived her right to an attorney. Ms. Vickers represented herself. Judge Madeline Williams presided over the case.

After opening remarks and testimony on behalf of the State, Ms. Collins made a motion to postpone the hearing until the October 27, 28, 2008 meeting to allow Ms. Vickers the opportunity to hire an attorney and for the State to provide a Korean speaking interpreter. Ms. Mayton seconded the motion. The motion carried.

### **Request Approval of a Continuing Education Course**

Mr. Chuck Hale was present yesterday to request approval of two courses he will be providing relating to Professional Ethics-2 hours and Tennessee Massage Law-2 hours. Ms. Collins had reviewed the courses and referred them for full Board review because she felt not enough course material was presented. Ms. Collins confirmed that she did receive additional information from Mr. Hale and stated that based on the course meeting the minimum requirements she would recommend approval. Mr. Sluss made a motion to approve both courses as outlined above. Ms. Mayton seconded the motion. The motion carried.

### **Consider if Consultants Reviewing Complaint Cases Should be Made Mandatory**

Ms. Collins made a motion that the word "authorizes" in Rule Section 0870-1-.16 (3) means that it is mandatory that a consultant review complaints. Ms. Field seconded the motion. The motion carried.

Being no further business, Mr. Sluss made a motion to adjourn. Ms. Collins seconded the motion and the meeting adjourned at 11:30 a.m.

Adopted by the Tennessee Massage Licensure Board on this the 27<sup>th</sup> day of October 2008.