

MINUTES
TENNESSEE MASSAGE LICENSURE BOARD
October 26-27, 2009

October 26, 2009

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

Member Absent: Cynthia Jagers, LMT

Staff Present: Dianne Birkner, Board Manager
Diona Layden, Board Attorney
Shiva Bozarth, Deputy General Counsel
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

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

Minutes

Mr. Sluss made a motion to approve the August 10-11, 2009 minutes as written. Ms. Collins seconded the motion. The motion carried.

Applicant Interviews

Amanda Adell Spicer

Ms. Spicer appeared before the Board to give explanation regarding a 2007 conviction for driving

while intoxicated. Ms. Collins recused herself. Based on information in Ms. Spicer'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. Mayton, to grant the license. The motion carried.

Kala Denise Maxwell

Ms. Maxwell appeared before the Board to give explanation regarding a 2001 conviction for aiding and abetting an armed bank robbery. Ms. Collins made a motion, seconded by Ms. Edmond, to grant the license. The motion carried.

William Alexander Pence

Mr. Pence appeared before the Board to give explanation regarding multiple convictions. Based on information in Mr. Pence'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 and that Mr. Pence had agreed to remain in the Lighthouse program. Ms. Salyers made a motion, seconded by Mr. Sluss, to grant the license contingent upon Mr. Pence entering into a contract with Lighthouse Professional Services, Inc., completing criminal probation, and participating with Lighthouse throughout the term of the Community Corrections. The motion carried with Ms. Collins and Ms. Mayton opposed.

Jennifer Katherine Lee

Ms. Lee appeared before the Board to give explanation regarding a 2009 conviction for driving under the influence. 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 Ms. Lee had voluntarily agreed to remain in the Lighthouse program until the completion of her criminal probation. Ms. Collins made a motion, seconded by Ms. Edmond, to defer action on Ms. Lee's license until the next Board meeting scheduled for February 22 – 23, 2010 in order for her to complete the probationary period. The motion carried with Mr. Sluss opposed.

Melissa Louise Stillwell

Ms. Stillwell appeared before the Board to give explanation regarding convictions in 2005 for driving under the influence and possession of marijuana. Based on information in Ms. Stillwell'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. Mayton made a motion, seconded by Ms. Field, to approve the reinstatement of her license. The motion carried.

William Shawn Coopwood

Mr. Coopwood appeared before the Board to give explanation regarding a 2009 conviction for driving under the influence. Based on information in Mr. Coopwood's file, he had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson appeared at the meeting and stated that Mr. Coopwood is on probation until September 2010 and that he had agreed to remain with Lighthouse Professional Services during the probationary period. Ms. Collins made a motion, seconded by Ms. Edmond, to defer action on Mr. Coopwood's license until completion of his criminal probation. The motion carried with Mr. Sluss opposed.

David Benjamin Hensley

Mr. Hensley appeared before the Board to give explanation regarding multiple convictions for driving under the influence. Mr. Sluss recused himself. Based on information in Mr. Hensley'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. Due to a pending criminal charge, Ms. Edmond made a motion, seconded by Ms. Collins, to defer action on the license until the February 22 - 23, 2010 meeting. The motion carried.

LaTasha Marie Cooper

Ms. Cooper appeared before the Board to give explanation regarding a 2005 conviction for possession of marijuana. Ms. Collins recused herself. Based on information in Ms. Cooper'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. Edmond made a motion, seconded by Mr. Sluss, to grant the license. The motion carried

Matthew Wheeler Forbes

Mr. Forbes appeared before the Board to give explanation regarding a 2006 conviction for driving under the influence. Based on information in Mr. Forbe'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 grant the license. The motion carried.

Kevin Dwayne Martin

Mr. Martin appeared before the Board to give explanation regarding a 2002 felony conviction for forgery, reckless endangerment, and obtaining drugs by fraud and a 2002 misdemeanor conviction for possession of drug paraphernalia. Based on information in Mr. Martin'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. Collins, to grant the license. The motion carried.

David Guy DeDominicis

Mr. DeDominicis appeared before the Board for review of his transcript from Career Training Center in Dallas, Texas which indicated completion of three hundred (300) hours in a massage therapy program. Mr. DeDominicis provided certificates of training for the completion of one hundred (100) additional hours obtained in sciences. After discussion, the Board determined that Mr. DeDominicis did not meet the requirements for licensure in Tennessee due to a lack of educational hours. Ms. Edmond made a motion, seconded by Ms. Collins, to defer action on the application until the February 22 – 23, 2010 board meeting in order to provide Mr. DeDominicis time to obtain the additional hours required for licensure. The motion carried.

Gail Cathleen Tossing

Ms. Tossing appeared before the Board for consideration of her application for licensure by reciprocity as a massage therapist. Mr. Sluss made a motion, seconded by Ms. Field, to grant Ms. Tossing a license based on a determination that, at the time of licensure, the licensure standards in Illinois were as stringent as those of Tennessee. The motion carried.

Kristopher Bramble

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

Ryan Allen Rodgers

Mr. Rodgers appeared before the Board to give explanation regarding a 2004 conviction for possession of marijuana and Scheduled II drugs. Based on information in Mr. Rodgers' 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.

Administrator/Director Report

Ms. Birkner congratulated Ms. Phyllis Salyers on her recent appointment to serve on the Board of Directors of the Federation of State Massage Therapy Boards (FSMTB) and shared a congratulatory letter received from Debra A. Persinger, PhD, Executive Director, FSMTB.

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

As of September 30, 2009 there were 4,325 licensed massage therapists and 1,521 licensed massage establishments.

LICENSE STATUS SINCE LAST MEETING

| <i>THERAPISTS</i> | <i>ESTABLISHMENTS</i> |
|--------------------------|------------------------------|
| <i>July 2009</i> | <i>July 2009</i> |
| Newly Licensed – 60 | Newly Licensed – 16 |
| Reinstates – 6 | Reinstates- 2 |
| Retired- 14 | Retired- 2 |
| New Applications- 65 | New Applications- 12 |

| <i>THERAPISTS</i> | <i>ESTABLISHMENTS</i> |
|---------------------------|------------------------------|
| <i>August 2009</i> | <i>August 2009</i> |
| Newly Licensed – 67 | Newly Licensed – 18 |
| Reinstates – 8 | Reinstates- 2 |
| Retired- 11 | Retired- 14 |
| New Applications- 48 | New Applications- 16 |

| <i>THERAPISTS</i> | <i>ESTABLISHMENTS</i> |
|------------------------------|------------------------------|
| <i>September 2009</i> | <i>September 2009</i> |
| Newly Licensed – 71 | Newly Licensed – 25 |
| Reinstates – 5 | Reinstates- 5 |
| Retired- 12 | Retired- 13 |
| New Applications- 54 | New Applications- 29 |

Ms. Birkner also reported that as of October 1, 2009 the lodging rate in Davidson County (Nashville) increased to \$119.00 per day.

Establishment Inspection Report

Ms. Birkner reviewed the report which indicated there were eighty-seven (87) inspections conducted in Middle Tennessee, seventy-three (73) conducted in East Tennessee and twenty-six (26) conducted in West Tennessee during the months of July - September, 2009.

The following deficiencies were cited in Middle Tennessee:

- 3 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 smoke detector
- 2 establishments received deficiencies for not having a current copy of the massage therapist's license or a smoke detector
- 1 establishment received deficiencies for not having a fire extinguisher or a working smoke detector
- 2 establishments received a deficiency for not have a massage therapist
- 2 establishments received a deficiency for not having a current massage establishment license
- 1 establishment received a single deficiency for not cleaning table daily

The following deficiencies were cited in East Tennessee:

- 9 establishments received a single deficiency for not having a smoke detector
- 2 establishments 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
- 1 establishment received a single deficiency for not having a fire extinguisher

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
- 1 establishment received a single deficiency for not having a smoke detector
- 1 establishment received a single deficiency for not having a working fire extinguisher
- 1 establishment received deficiencies for an expired fire extinguisher, no smoke detector, and for the lotion pumps being dirty
- 2 establishments received deficiencies for not having a current copy of the massage therapist's license and no smoke detector

Investigation/Disciplinary Report

Ms. Denise Moran, Director, Office of Investigations, reviewed the reports with the Board. The report indicated there are a total of twelve (12) open complaints for massage therapists. Ms. Moran stated that one (1) complaint is out in the field and eleven (11) complaints are awaiting review. The report indicated there are a total of seven (7) open complaints for establishments. Ms. Moran stated that all seven (7) complaints have been investigated and are awaiting a second review. Ms. Moran also informed the Board that there was a need for board consultants to review complaint files.

Financial Report

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

Office of General Counsel Report

Ms. Layden reported that the Board will be conducting a rulemaking hearing today for Rules 0870-01 and Rules 0870-02. She further reported that the Office of General Counsel currently has thirty (30) open cases pertaining to the Massage Licensure Board. Two (2) cases are set for hearing at today's meeting, and two (2) cases will be presented as Consent Orders.

Request for Waiver of Course Review Fee

Ms. Elaine Hackerman, LMT, appeared before the Board to request a waiver of the continuing education course review fee for seven (7) continuing education courses she had submitted for review. Ms. Collins made a motion to deny the request. Mr. Sluss seconded the motion. The motion carried.

Ratify Agreed Citation for Lapsed License

Upon review by the Board, a motion was made by Ms. Field, seconded by Ms. Edmond, to approve the following Agreed Citation:

Gail Neal/Gail's Therapeutic Touch

Ms. Neal was assessed total civil penalties in the amount of \$200.00 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:

Hye Kyong Free, LMT

Ms. Free was assessed total civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Michelle I. Samples, LMT

Ms. Samples was assessed total civil penalties in the amount of \$150.00 for failing to maintain

sufficient continuing education.
Carol A. Croft, LMT

Ms. Croft was assessed total civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Jennifer Keith Broce, LMT

Ms. Broce was assessed total civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Shannon R. Reid, LMT

Ms. Reid was assessed total civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Amy Michele Haggard, LMT

Ms. Haggard was assessed total civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Elizabeth Frances Darnell, LMT

Ms. Darnell was assessed total civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Rebecca D. Tosh, LMT

Ms. Tosh was assessed total civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

Alison Nicole Campbell, LMT

Ms. Campbell was assessed total civil penalties in the amount of \$150.00 for failing to maintain sufficient continuing education.

The motion carried.

Consent Orders

Gregory Lane Bowling, LMT

Ms. Diona Layden, Office of General Counsel, presented a Consent Order to the Board for ratification. Mr. Bowling was convicted of Sexual Battery, a Class E Felony, on March 11, 2008. Mr. Bowling agreed to the permanent revocation of his massage therapist license. Mr. Sluss

made a motion, seconded by Ms. Edmond, to accept the Consent Order. The motion carried.
Kathleen Rosemary, LMT

Ms. Diona Layden, Office of General Counsel, presented a Consent Order to the Board for ratification. Ms. Rosemary practiced massage therapy without a license from July 31, 2007 – April 9, 2008. Ms. Rosemary agreed to pay total civil penalties in the amount of five hundred dollars (\$500.00) and costs of the proceedings. Ms. Collins made a motion, seconded by Mr. Sluss, to accept the Consent Order. The motion carried.

Ratifications

Ms. Collins made a motion to approve all new and reinstated licenses for massage therapists and massage establishments issued from July 25, 2009 through October 12, 2009. Ms. Field seconded the motion. The motion carried.

Massage Therapists

| | |
|----------------------------|-------------------------|
| CHRISTIE MICHELLE ABBOTT | TAMI LYNET' DANIEL |
| TARALYN ELIZABETH ACUFF | EDWARD MERLE DAVIS |
| HUSSEIN SALEM ALAWASMEH | KRISTINE TERUKO DAVIS |
| ASHLEY NICOLE ALMAN | DEBORAH KAY DEFRIEZE |
| AMIE LEIGH BANKOWSKI | CARLA ANDREA DELLA ROSA |
| SHERRY ARLENE BARNETT | JAMES KURT DERUSHA |
| TRACY LYNN BARRETT | KRISTINE ALEA DEWITT |
| TINA DIANE BENTFIELD | MISTI DAWN DISCORPIO |
| AMANDA JUEL BEST | JESSICA R. DOZIER |
| CYNTHIA ANN BEST | STEPHANIE LEANA DRYDEN |
| BETHANY MICHELLE BICKHAM | CELISA M. ELLIS |
| WENDY LEE BISSONNETTE | APRIL MARIE EMMERT |
| ERIN DENISE BOOTH | KELLY LEA FERGUSON |
| ALEXIAN ELIZABETH BRAGDON | AMANDA RACHEL FLANAGAN |
| MICHELLE ANEZ BROWN | ASHLY ROSE FLOWERS |
| NATHANIEL WAYNE CLEM | JORDAN CAMPBELL FOOTE |
| REBECCA SUZANNE CLEMONS | LAVANESSA CAPRICE FYKES |
| JOSHUA ROBERT COLDREN | GABRIEL TAD GARDNER |
| CANDICE DANIELLE COLE | CORTNEY ELLA GARNER |
| AJALON COLEMAN | LEAH CHRISTINE GEIGER |
| LAUREN ELIZABETH COVINGTON | AMANDA A. GETZ |

PETER WEBB GLASSER
SARAH E. GOOD
TIFFANY DAWN GOOLSBY
DANA MARIE GORDON
KRISTIAN LEIGH GOTHARD
SARAH C. GREENE
MARK GOUDY GROBY IV
BRIANA JOY GULCYNKI
CARISSA JANILEE HALL
SHANNON MARIE HARDAWAY
DOMINIQUE O. HATTON
PENG HE
LOUISE G. HORN
LARYN DRU HURLEY
SHAWN ANTWANETTE JAMES
W. CHRIS JOHNSON
KYLE GIBSON JONES
JUDITH ESTELLE KAMSU
DONALD CHARLES KELLEY
KIMBERLY KRISTINE KELLY
PATRICIA ANN KELLY
ELIZABETH SAIMI KIGGEN
KRISTAN BETH KNAPP
KIRSTEN JANAE KREIDER
DONNELLY CHRISTINE KUHLMAN
AMIRA BILAL LAHAM
JOHN CORNELIUS LAMBERT
LASHUNDA TRANEICE LANGSTON
JOSPEH ALLEN LAWRENCE
JESSICA NICOLE LAY
LACEY DANIELLE LEMONS
AIMEE LEE LONGSTRETH
LATISHA LANET LOOKER
SALLY ANN LUMM
FATEISHA LYNNAE LUNDY

TIFFANY NICOLE LYNN
KAREN ELAINE MANCINI
GARRETT PLOWDEN MANRY
JILLIAN SARAH MARION
CHRISTIN OLIVIA MARTIN
RACHEL NICHOLE MCCLAIN
TERRANCE SHEA MCDADE
SAMANTHA LYNN MILLER
SHAUNNA LEIGH MILTON
CAROLYNE THOMAS MOFFET
MADELINE BEDELL MUGNO
DANIEL PAUL MYERS
ROBIN FRANCES NELSON
NICOLE MICHELLE NEUENSCHWANDER
ERICA DANIELLE NOLAN
CARISSA ANN NORRIS
LAUREN ANDREA OWENS
ANTHONY JOSEPH PADALINO
KAYLA ELIZABETH PAGE
SHARONDA CAROLYN PARRISH
ANGELA DENISE PARSONS
BEVERLY GAYLE PAUL
SYLVIA RENEE' PHILLIPS
PAULA JEAN PINKERT
CHELSEA LAUREN PITTMAN
KARI ANN PRECOPIA
ATHENA LOUISA PRIQUETTE
DESIRAE ANN RABKA
NICOLE ELAINE REESE
GEORGINA MINNA RINEHART
TONI LEIGH ROBBINS
TANYIEKA CHERAUN ROBINS
AMIE NICOLE RODDY
CHRISTINE MARY RUSHTON
LORI RYAN

ERIC KEITH SCOGGINS
NATHANIEL THOMAS SERWAN
AMANDA HELEN SHARP
MICHAEL BRANDON SHELTON
THERESA EVELYN SHIELDS
LISA ANN SHUTTS
JOHN MICHAEL SLEISTER
DANIELLE ELIZABETH SMITH
RAMONA VALENCIA SMITH
ROBERT ALAN SMITH
JEANNA MARIE STACKS
KELLY LEIGH STANFILL
CHERI LYNN STEVERSON
FREDERICKA M. STITES
BRIANA LORETTO STRASSER
ELIZABETH SHEA STREET
KETASHA DAE TAYLOR
TAMMIKA RENEE TERRELL
AUDREY JEAN THOMPSON
CHRISTY LOU TRAVIS
CAROLYN RENE TRUMM

KIM URECHE
JULIE ANN VAUGHN
RACHEL ANNE WADDELL
HEATHER LYNN WAINSCOTT
LINDSEY RACHELLE WEBSTER
KRISTEN JOYCE WENICK
ERICA JULIET WEST
VANITY WYNETTE WHERRY
FABRON THOMAS WHITE
KEITH MITCHELL WHITTEN
JENNIFER JUNE WIELAND
JENNIFER SHENELLE WILLIAMS
DOLLY AMANDA WILSON
ABBY WINTKER
DENA KELLY WNETRZAK
CHARLOTTE JANELLE WOODARD
SCOTTY LEE WOODS
CUIPING WU
YUN ZHANG
SUMEI ZHENG

Massage Therapists Reinstated

SARAH F. BRASWELL
DAWN RENEE BUNTON LMT
DIANA LYNN COHEE
LINDSEY ELIZABETH DAWSON
SHERRI MARIE GRAYBEAL
REBEKAH A HARRIS BLOUNT
KAREN DENISE HATCH LMT
JASON LEE HIEFNAR
ANNA MICHAL HIGGINBOTHAM

LESLIE MAUDE MERRITT
APRIL LAURA MONTAGUE
JENNIFER GAIL MURFF
RACHAEL RAENETT PITTS
GEORGE LANGFORD SHANNON
MELINA MARIE SIERRA
ELIZABETH STUART SPENCER
DEANNA CAROLE WILLIAMS
MARGARET ANN WYLIE

Massage Establishments

ADVANCED CARE CHIROPRACTIC AND REHAB
ANN MARIE JOYCE L.M.T.
ANNA (NELLIE) MCCOLLUM, LMT
ASIAN MASSAGE INC
ASPEN HEALTH AND HEALING CENTER
BE SIMPLE
BIG SPRINGS THERAPEUTIC MASSAGE
CARSON'S BARBER SHOP
CENTER OF SYMMETRY LLC
CHANGES SALON AND SPA
CUT-N-LOOSE IN OCOEE
EPIPHANY HEALTH MASSAGE THERAPY
EPIPHANY SALON AND DAY SPA
FAIRWAY SALON AND SPA
FOIL SALON
GENTLEMAN'S BARBER
GLOBAL FX "MASSAGE THE MIND, BODY, & SOLE"
GREAT MASSAGE THERAPY-LORI A. WADDELL LMT
HEAVENLY HANDS/NATURAL HEALTH MINI DAY SPA
HENDERSON COUNTY CLINIC
HOLISTIC OPTIONS MASSAGE
HULSEY WELLNESS CENTER
JAGGED EDGE STUDIO SALON
JAMES K. DERUSHA LMT
JULIE COLLINS
JULIE COLLINS
KEVIN L. WADE MASSAGE THERAPY
LADIES LIFETIME FITNESS AND LIFE SPA
LIFESTYLE MEDICAL GROUP, PLLC
LILIANA'S HEAVENLY MASSAGE
MANE IMAGE
MASSAGE BY PATTY
MCLAUGHLIN CHIROPRACTIC ASSOCIATES INC.
MEDICAL MASSAGE INSTITUTE OF NASHVILLE

MERLE NORMAN COSMETICS
MIDTOWN YOGA-STUDIO B
NAILS 88
PANACHE HAIR AND BODY, LLC
PETTYJOHN BODY THERAPY
PHOENIX RISING THERAPEUTIC MASSAGE
PURE LUXE SALON AND SPA
REPOSE MASSAGE THERAPY
ROBERT ALAN SMITH-MASSAGE THERAPY
SERENITY
SHEAR STRUCTURE
SOOTHING TOUCH
SPORTS BARN
STUDIO K SALON
STUDIO MASSAGE
TAMARISK MASSAGE
TRACE RETREAT STORE AND SPA
TROPICAL TOUCH MASSAGE SPA
XIAN SHU INC DBA AQUA FOOTCARE MASSAGE CTR & TAI JI EXERCISES #8

Massage Establishments Reinstated

ANGELA THOMAS
APRIL C. WELLIKOFF MS RN NCTMB
BODY WORX
EAST SPRING STREET HEALING ARTS CENTER
ENKORE SALON AND DAY SPA
GAILS THERAPEUTIC MASSAGE
MAINSTREET LMT
MASSAGE BY ROBIN
TIPS N TOES NAILS

Appoint Delegate and Non Delegate Member to attend the Federation of State Massage Therapy Boards (FSMTB) 2010 Annual Meeting

Upon discussion, the Board selected Mr. Sluss as the Delegate member and Ms. Mayton as the non-Delegate member to attend the FSMTB annual meeting scheduled for October, 2010 in San Juan Puerto Rico.

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. Comments were received from several members of the public.

The meeting adjourned for the day at 4:30 p.m..

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

October 27 2009

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
Marilyn Field, Citizen Member
Pamela Edmond, Citizen Member

Member Absent: Cynthia Jagers, LMT

Staff Present: Dianne Birkner, Board Manager
Diona Layden, Board Attorney
Shiva Bozarth, Deputy General Counsel
Ashley Carter, Deputy General Counsel
Lisa Lampley, Board Director

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

Contested Cases

Deborah Ruth Henthorn

Ms. Henthorn was present and represented by Mathew Scanlon, Attorney at Law. Ms. Diona Layden, Assistant General Counsel, represented the State. The proceedings were presided over by Marion Wall, Administrative Law Judge. Ms. Henthorn had previously appeared before the Board for an applicant interview in August, 2009. At the August 10, 2009 board meeting, the Board denied Ms. Henthorn's request for licensure as a massage therapist and her application for a

massage establishment license because the Board found that she had submitted a forged letter of recommendation. Ms. Henthorn testified on her own behalf. Ms. Dianne Birkner, Board Manager, presented testimony on the licensure applicant process. Ms. Brenda Clark testified via telephone conference that she did not write or submit the letter of recommendation. A motion was made by Mr. Sluss, seconded by Ms. Collins, to deny the massage therapist and massage establishment license. The motion carried with Ms. Fields abstaining.

David Michals, LMT

Mr. Michals was present and was not represented by counsel. Ms. Diona Layden, Assistant General Counsel, represented the State. The proceedings were presided over by Marion Wall, Administrative Law Judge. Upon discussion, Ms. Field made a motion, seconded by Ms. Mayton, to continue the case until the February 22 - 23, 2010 board meeting. The motion carried.

Rulemaking Hearing Continued

The Board resumed its review/discussion of the proposed rules. Due to time constraints, the Board voted to continue the rulemaking hearing. The rulemaking hearing will resume on February 23, 2010.

Being no further business, the meeting adjourned at 4:10 p.m.

These minutes were ratified at the meeting held on February 22-23, 2010.