

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

Date: October 27, 28, 2008

October 27, 2008

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
Cynthia Jagers, LMT
Marilyn Field, Citizen Member

Vacant Position: Citizen Member

Staff Present: Dianne Birkner, Board Manager
Dale Hill, Board Administrator
Andrea Huddleston, Advisory Attorney
Elizabeth Miller, Director, Health Related Boards
Christy Allen, Assistant Commissioner

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

Ms. Salyers spoke in honor of the memory of Mr. Steve Harper, past Board member and Chairman, who will be deeply missed.

Ms. Salyers introduced the new advisory attorney, Ms. Andrea Huddleston.

Conflict Of Interest

Ms. Huddleston reviewed the new Conflict of Interest Policy with the Board and asked that each member sign the copy that is in their books. Ms. Allen addressed the Board's concerns and afterwards the Board agreed to sign the new policy.

Public Rulemaking Hearing

Ms. Andrea Huddleston called the rulemaking hearing to order regarding rules 0870-1-.06, 0870-1-.12, 0870-2-.08, 0870-2-.09 and 0870-2-.02 pertaining to fees. She began by instructing the Board to consider each of the following methods of reducing the impact of the proposed rules on small businesses:

(1) The extent to which the rule may overlap, duplicate, or conflict with other federal, state, and local governmental rules. Ms. Field made a motion that the rules do not have a negative impact on small businesses because there are no federal fees involved. Ms. Collins seconded the motion. The motion carried.

(2) Clarity, conciseness, and lack of ambiguity in the rule. Mr. Sluss made a motion to state the rules are concise. Ms. Collins seconded the motion. The motion carried.

(3) The establishment of flexible compliance and reporting requirements for small businesses. Ms. Collins made a motion that rules establish flexible compliance and reporting requirements for small businesses. Ms. Jagers seconded the motion. The motion carried.

(4) The establishment of friendly schedules or deadlines for compliance and reporting requirements for small businesses. Mr. Sluss made a motion to acknowledge the proposed rules have friendly deadlines for compliance for small businesses. Ms. Field seconded the motion. The motion carried.

(5) The consolidation or simplification of compliance or reporting requirements for small businesses. Ms. Field made a motion that the rules were written to read as simple as possible. Ms. Jagers seconded the motion. The motion carried.

(6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule. Mr. Sluss made a motion that this would not apply to these rules. Ms. Collins seconded the motion. The motion carried.

(7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs. Ms. Salyers stated the Board tries to keep the fees at a fair level but also at a level to keep the Board operating for the safety of the public. Ms. Collins made Ms. Salyers statement as a motion. Mr. Sluss seconded the motion. The motion carried.

It was noted that on page 3 of the rulemaking notice, the Replacement certificate fee of \$250.00 should read \$25.00.

Ms. Huddleston provided the Board with copies of letters received and asked the Board to respond to each. The first letter was from Ms. Karen Craig of the Massage Institute of Memphis. Ms. Collins pointed out that Ms. Craig's letter was written December 2007 and that the rules had been revised since that time and that Ms. Craig's concerns have been worked out.

Ms. Huddleston, referring back to Ms. Craig's letter, asked if the Board had considered a graduated fee schedule. Ms. Salyers explained that the Board did consider this option but felt it would be very difficult for staff to set up a licensing program because of the fluctuated number of students at the different schools. Ms. Craig's letter also expressed concern over the initial fee for existing schools. The Board addressed this at an earlier meeting and reduced this fee.

The next letter was submitted by Ms. Maj-Lis Nash, Director of Education and Co-owner of Mind Body Institute, LLC. Ms. Nash's letter was written in December of 2007 prior to several amended rule changes. After review of the letter, the Board felt that they had addressed her concerns in that they lowered the fees from the initial rulemaking package.

The next letter was submitted by David Scott Baily. Ms. Collins stated that his concerns about the fees had been addressed and his other concerns are regarding the rules forthcoming in a future rulemaking hearing.

The next letter was submitted by Nancy Dennis, Southern Massage Institute. Ms. Salyers stated that her concerns regarding the fees had been addressed. Ms. Collins also stated that the Board

addressed the application timeframes at a previous meeting.

The final letter was submitted by Elaine Hackerman, LMT in December 2007. After reading the letter it was determined that her concerns over the fees have already been addressed.

With no further letters or comments from the audience, Ms. Huddleston concluded the hearing at 10:02 a.m.

Vote on Adoption of Amendments to Rules 0870-1-.06, 0870-1-.12, 0870-2.08 and 0870-2-.09

Ms. Collins made a motion to adopt the amendments with the correction of the certificate fee on page 3. Mr. Sluss seconded the motion. The motion carried. Ms. Salyers conducted a roll call vote with all members voting yes.

Minutes

Ms. Mayton made a motion to approve the minutes of the August 11, 12, 2008, Board meeting as written. Ms. Collins seconded the motion. The motion carried.

Applicant Interviews

Edgar Jesse Stone, IV

Mr. Stone appeared before the Board to give explanation regarding a 2008 misdemeanor conviction of driving under the influence. Based on information in Mr. Stone's 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. Stone but that he will remain in the Lighthouse program until he completes his probation. Ms. Field made a motion to approve Mr. Stone for licensure. Ms. Jaggers seconded the motion. The motion carried.

Gloria Jean England

Ms. England appeared before the Board to give explanation regarding multiple convictions. Based on information in Ms. England's file, she 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 Ms. England. Ms. Mayton made a motion to approve Ms. England for licensure. Ms. Collins seconded the motion. The motion carried.

Jennifer Sue Gregory

Ms. Gregory appeared before the Board to give explanation regarding a 2004 misdemeanor conviction of operating a vehicle while intoxicated. Based on information in Ms. Gregory's file, she 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 Ms. Gregory. Ms. Jagers made a motion to approve Ms. Gregory for licensure. Ms. Collins seconded the motion. The motion carried.

George Bryan Dwyer

Mr. Dwyer appeared before the Board to give explanation regarding multiple convictions. Based on information in Mr. Dwyer's 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. Dwyer. Ms. Field made a motion to approve Mr. Dwyer for licensure. Ms. Jagers seconded the motion. The motion carried.

Susan W. Bardwell

Ms. Bardwell appeared before the Board to give explanation regarding multiple convictions. Based on information in Ms. Bardwell's file, she 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 but that Ms. Bardwell will remain in the Lighthouse program until she completes her program. Mr. Sluss made a motion to approve Ms. Bardwell for licensure. Ms. Collins seconded the motion. The motion carried.

Amber Lynn Vitse

Ms. Vitse's licensure file was brought before the Board at the August 11, 2008, meeting for consideration for licensure based on education credits received at an osteopathic physician school.

The Board denied her application based on the information provided. Ms. Vitse appeared before the Board to provide additional educational information including a letter from the program director of the hypnotherapeutic massage therapy program detailing the course hours Ms. Vitse completed. Upon review of the additional information provided, Ms. Collins made a motion to approve Ms. Vitse for licensure. Ms. Jagers seconded the motion. The motion carried.

David Michael Volentine, D.C.

Due to illness, Dr. Volentine was not present and asked staff to postpone action on his file until the February meeting. Ms. Birkner requested that the Board vote to defer action on his file until the February meeting. She also requested that, should he not appear before the Board in February, the application be closed. Ms. Collins so moved. Mr. Sluss seconded the motion. The motion carried.

Traci Lynette Williams

Ms. Williams appeared before the Board to give explanation to a 2004 misdemeanor conviction. Ms. Field made a motion to approve Ms. Williams for licensure. Ms. Collins seconded the motion. The motion carried.

Benjamin Richard Swanson

Mr. Swanson appeared before the Board to give explanation to a 2006 misdemeanor conviction for driving under the influence. Based on information in Mr. Swanson's 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. Swanson. Ms. Collins made a motion to approve Mr. Swanson for licensure. Mr. Sluss seconded the motion. The motion carried.

Administrator/Directors Report

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

There are currently a total of 4,158 licensed massage therapists and 1,470 licensed massage establishments.

Listed below are total numbers for failed to renew and retired licenses for therapists and establishments from January 1, 2005 through July 31, 2008:

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
Retired Licensees – 368	Retired Licensees – 242
Failed to Renew – 1077	Failed to Renew – 250

LICENSE STATUS SINCE LAST MEETING

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>July 2008</i>	<i>July 2008</i>
Newly Licensed – 41	Newly Licensed – 16
Reinstates – 6	Reinstates- 1
Retired- 8	Retired- 10
New Applications- 31	New Applications- 14

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>August 2008</i>	<i>August 2008</i>
Newly Licensed – 47	Newly Licensed – 22
Reinstates – 6	Reinstates- 2
Retired- 16	Retired- 6
New Applications- 42	New Applications- 32

<i>THERAPISTS</i>	<i>ESTABLISHMENTS</i>
<i>September 2008</i>	<i>September 2008</i>
Newly Licensed – 41	Newly Licensed – 26
Reinstates – 7	Reinstates- 2

Retired- 7	Retired- 14
New Applications- 55	New Applications- 23

Ms. Birkner also reported that effective October 1, 2008 the lodging rate increased to \$117.00 and the mileage rate increased to \$.54.

Ms. Birkner reported on the continuing education audit information as provided by Rick Agee, CE Audit Coordinator:

January 2008- seven licensees audited, six licensees in compliance with the audit, one licensee noncompliant with the audit due to failure to contact HRB Compliance Unit.

February 2008- six Licensees audited, six licensees in compliance with the audit.

March 2008- six licensees audited, four licensees in compliance with the audit, one licensee non-compliant due to deficient C.E. hours, one licensee non-compliant with the audit due to failure to contact HRB Compliance Unit.

April 2008- three licensees audited, two licensees in compliance with the audit, one licensee non-compliant with the audit due to failure to contact HRB Compliance Unit.

May 2008- four licensees audited, three licensees in compliance with the audit, one licensee non-compliant with the audit due to failure to contact HRB Compliance Unit.

June 2008- three licensees audited, one licensee in compliance with the audit, one licensee non-compliant with the audit due to deficient C.E. hours, one licensee non-compliant with the audit due to failure to contact HRB Compliance Unit.

July 2008- five licensees audited, two licensees in compliance with the audit, two licensees non-compliant due to deficient C.E. hours, one licensee non-compliant with the audit due to failure to contact HRB Compliance Unit.

August 2008- seven licensees selected to participate in the C.E. audit. The August audit is pending closure.

September 2008- C.E. audit is pending mass mail out.

January 2008 thru July 2008 Stats and Percentages:

34 Licensees Audited

24 Licensees Compliance Status- (71%)

4 Licensees non compliance status due to deficient C.E. Hours- (11%)

6 Licensees non compliance status due to failure to contact HRB Compliance Unit after receiving second notice of audit letter via certified mail- (18 %)

Ms. Miller suggested having a Board member review continuing education. This will be added to the February meeting to discuss continuing education relating to auditing and reporting.

Establishment Inspection Report

Ms. Birkner reported there were sixty-seven (67) inspections conducted in Middle Tennessee, fifty-three (53) conducted in East Tennessee and seven (7) conducted in West Tennessee during the months of July, August and September 2008.

The following deficiencies were cited in Middle Tennessee:

- 2 establishments received a single deficiency for not having a copy of the massage therapists' license
- 1 establishment received a single deficiency for not having a copy of the establishment license
- 1 establishment received deficiencies for not having a smoke detector or working fire extinguisher
- 2 establishments received a single deficiency for not having a working fire extinguisher
- 1 establishment received a single deficiency for not having a massage table that could be cleaned or sanitized
- 1 establishment received a single deficiency for not having hot water
- 2 establishments received a single deficiency for equipment not being clean
- 6 establishments received a single deficiency for not having a massage therapist

The following deficiencies were cited in East Tennessee:

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- 3 establishments 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 a single deficiency for not having a copy of the massage therapists' license
- 1 establishment was a "no show" for the inspection

No deficiencies were cited in West Tennessee

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 September 2008, 10 new complaints were received. Also in the month of September, eight (8) complaints had been closed, three (3) with no action, and five (5) were referred to the Office of General Counsel. Ms. Stone further reported that the Office of Investigations has begun turning cases over to the Attorney General's office to collect unpaid fees and fines.

Financial Report

Ms. Miller reviewed the current financial report with the Board which has the projected figures for fiscal year end 2008. She told the Board that the actual year end figures should be available by the next meeting. Ms. Slayers requested a breakdown detailing expenditure of 1.1 million dollars that was spent from the time she was first on the Board four years ago until approximately two years later. Ms. Allen offered to look into this and bring additional information to the Board.

Office of General Counsel Report

Ms. Huddleston reported the following:

Rules:

1. Continuing Education, Titles and Peer (0870-1-.03 and 0870-1-.12). The rulemaking notice was filed and the rule went to hearing on April 17, 2007. The Board approved the amendments and they were sent to the Attorney General on June 22, 2007. The

Attorney General approved the amendments and the rules were sent to the Secretary of State's office on April 30, 2008. The rules became effective July 14, 2008.

2. 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 have passed through OGC/BHLR approval and the rulemaking hearing was held during the board meeting.

Litigation:

The Office of General Counsel, Tennessee Department of Health, currently has twenty-two (22) open cases pertaining to the Massage Licensure Board.

Receive report from the Federation of State Massage Therapy Board's Annual Meeting

Ms. Collins, was the delegate to the meeting. Ms. Sayers also attended. The meeting was held in Seattle, Washington on October 16-19, 2008, with representatives from twenty-six (26) state licensing boards and professional associations in attendance.

The delegate assembly, comprised of FSMTB member boards, elected Scott Miller, LMP, Vice Chair of the Washington State Board of Massage, to serve on the Board of Directors. He replaced David Quiring, LMT. Patty Glenn, LMP/LMT, and Kathy Jensen, LMT, were both re-elected to the Board of Directors. Kevin Snedden, LMT, Chair of the Missouri Board of Therapeutic Massage, was elected to serve as President; Kathy Jensen, LMT, Chair of the Iowa Board of Massage Therapy as Vice President; and Susan Beam, LMBT, Chair of the North Carolina Board of Massage and Bodywork Therapy was elected as treasurer. Ms. Collins further reported that she was elected to serve on the Nominations Committee for the Board of Directors.

Topics covered included: MBLex examination, reciprocity, unlicensed practice, instructor credentialing, continuing education and human trafficking. Member training included: public protection mandate, delegation of authority, legislation, uniformity in discipline and recent regulatory cases.

Substance Abuse Policy and the Criminal Convictions Policy

After a short discussion the Board deferred action on these policies.

Ms. Salyers stated that there had been a concern that Diann Smithson is not qualified to perform assessments and a concern regarding the fee she receives. Ms. Smithson advised the Board that she is qualified to do assessments and that she performs drug testing and when necessary, she will refer a client out. She further stated she has to abide by the contract that she signed with the Department and must account for all monies. She further stated she is required to submit monthly reports.

Board Correspondence

Letter from John D. Kestner, LMT, Reflections of Health School of Massage

Mr. Kestner submitted a letter requesting clarification of draping techniques. Mr. Kestner asked if “draping means you cannot massage/touch below, above or remove (uncover one or all areas) the drape for the purpose of performing therapeutic massage to the buttocks/genitalia area”? The Board’s response to the question is Yes. Ms. Birkner and Ms. Huddleston will respond in writing to Mr. Kestner.

Reaffirm the Board’s designee(s) for the purpose of initial and reinstate file reviews and the issuance of Go-To-Work Letters

Ms. Collins made a motion designating Board staff, which includes the administrator, manager and director, to approve files and issue go-to-work letters as authorized by rule 0870-1-.07 (1). Mr. Sluss seconded the motion. The motion carried.

Discuss publishing the Tennessee school’s pass fail rates

Ms. Birkner asked for direction concerning publishing the pass/fail rates as in accordance with T.C.A. 63-18-115 (5) which requires the Board to annually publish passage rates. The Board had instructed staff, at its last meeting, not to publish the pass/fail rates because several schools felt the rates were incorrect. It was determined that if a school had concerns regarding the scores they should address their concerns with the testing agency. Mr. Sluss made a motion to publish the

pass/fail rates. Ms. Field seconded the motion. Ms. Collins opposed. The motion carried.

Appoint member(s) to attend the Federation of Associations of Regulatory Boards' (FARB) annual meeting

The next meeting of the FARB is scheduled for January 23-25, 2009 in Tampa, Florida. A motion was made by Ms. Mayton to appoint Ms. Sluss to attend. Ms. Field seconded the motion. The motion carried. Mr. Sluss made a motion to appoint Ms. Mayton to attend. Ms. Collins seconded the motion. The motion carried. Ms. Miller asked the Board to designate who should attend if only one member is approved. Ms. Collins made a motion that Mr. Sluss be the first to attend. Ms. Field seconded the motion. The motion carried.

Ratifications

Mr. Sluss made a motion to ratify all new and reinstated licenses for massage therapists and massage establishments issued from July 19, 2008 through October 7, 2008. Ms. Field seconded the motion. The motion carried. Ms. Collins recused herself.

Massage Therapists

BARBARA ELIZABETH ABATO
NOIDA ANNA ALEXANDER
RICKY LYNN ALEXANDER
MELISSA ADRIENNE ANGEVINE
NANCY JO ARMSTRONG
FRANCINE ELLEN BERK-GRAVER
JESSICA BLESSINGER
ADRIA MICHELLE BONFOEY
WILLIAM C. BRACKMAN
MELANIE RENE' BREEDLOVE
MARY ELLEN BRUMMETT
JESSICA BROOKE CALDWELL
TABITHA ASHLEY MAMIE CLARK
JILL NICOLE COLLINS
JENNIFER ESTELA COSIO

BRITTNEY ANNE CRUMP
VIOLETA CUEVAS
COURTNEY ELIZABETH DAVIS
KELLIE DENISE DAVIS
SYDNEY TERESA DAVIS-GUNNELS
REGAN MARIE DEES
JAMES H DELGADILLO
BETH A DODDS
KIMBERLY ANN DUDLEY
EMILY KATE EISING
MARY RITA EUBANK
DELNITA NASHAY EVANS
EMILY CAROL EVANS
SERENA FAY FARRIS
ELISA LYNN FISHER

KATHRYN RUTH FORD
AUSTIN THOMAS FOUST
STEPHEN MICHAEL GIBBS
LESLIE MICHELLE GILMAN
MARY GRAY GORDON
AMANDA CHRISTINE GRAHAM
KELLY SUZANNE HAHN
NICOLE ELISE HART
CHERYL RAE HENSON
SEAN PATRICK HICKEY
LANCE BRYAN HILLER
ENSLEY JANE HOLLOWAY
JOHN THOMAS HOLT
AMANDA MARIE HYBL
ANN MICHELLE KAPLAN
WILLIAM ANDREWS KEMP JR.
NICOLE MARIE KENDALL
AMANDA RUTH KEY
KAREN SUE KIMMELL
ALMA BERNICE KING
ASHLEA CATHLEEN KIRBY
ROBERT MICHAEL KITTS
GABRIELLE SUZANNE LANTIS
CYNTHIA LYNN LAYHEW
EDMESTA MARQUITTA LOCKHART
JACQUELINE LOUISE LOWE
BRENDA KAY LOWRY
AMANDA LUCY-WINTER MARTIN
OTIS MAYFIELD
RACHEL NOEL MAYS
MARY MARGARET MCCLELLAN
MARIA KATERI MCGUIRE
WILLIAM STEPHEN MCKEE
REBECCA MELENDEZ
DIANA LEE MEREDITH MONFEE

JEFFREY L. MOODY
TORRIE RENA' MOORE
S. DARLEENE NABORS
MARY CAROLYN NOVKOV
CHRISTINE NICOLE OLIVER
LESLEY LOIS PAYNE
RYAN EDWARD PETERS
TATUM LEIGH PETERS
WANDA G. PURTELL
LYNN MICHELLE RATHUNDE
JESSICA LYNN RELIFORD
VALENCIA TISCHINNA REYNOLDS
LEAH RICHARDSON
RENEE RUBY RICHARDSON
MELANIE ANN RUMPTZ
KATIE M. RYAN
KIMBERLY DAWN SCHWARZ
KENNETH JACKSON SEAGROVES
RACHEL CAROL SERGENT
GINA MICHELLE SETTLEMIRE
REBECCA ELAINE SHEARON
KETURAH SHELTON
CARRIE ELIZABETH SHIPLEY
JULIE MARIE SLAGLE
PHYLLIS YVETTE SLAUGHTER
ASHLIE JEWEL SMART
AMANDA JEAN SMITH
BRITTNEY MARIE SMITH
RUSSELL WAYNE STEELE
YVETTE R. SWEET
DENA LUCILLE SWINDOLL
GWENDOLYN JOY THEISS
KATRINA FAE TSACRIOS
AMANDA LYNN UPCHURCH
VICKY DENISE VALENTINE

LATOSHA NICOLE VAUGHN
GAYLE LINDA VIHON
DIXIE BLACKSTOCK WADDELL
ELISSA ANNE WALKER

MARY CHRISTINE WALWORTH
ALEXANDRIA LYNN WESTFALL
CATHY ANNETTE WILKERSON
TOMMY RAY YORK

Massage Therapists Reinstated

AMBER GAYLE ANTOINE
JON A. BEASLEY
SHANNON RAY BONE MT
LINNEA MARIE BRITT
JANET S. BROOKS LMT
JAMINA LYNN CARDER
JO CHILCUTT
ANGELA MICHELLE DAKE
TONYA FAYE DICKIE
SUSAN K. EDWARDS LMT
FAITH MARIE EGGERS
LMT HALLIE ANN FREEMAN
JENNIFER LEIGH HATCHER

MS DANA LYNN HICKMAN LMT
SARAH ELIZABETH HOLLEY
CHRISTINA MARIE HUNTER
ERIN CHRISTINE JENKINS
KATHY ANN JENKINS
LETA GAY JOHNSON LMT
WENDI MICHELLE JOHNSON
MISTY AUTUMN KENNEDY LMT
ALICIA ANN PORTERFIELD
LYNN MARIE PORTMAN-WHITE
JESSICA SUZANNE REID
BETTY JO WALLACE
MISS ANNA M WHITTON LMT

Massage Establishments

A HEAVENLY TOUCH
A HEAVENLY TOUCH MASSAGE THERAPY AND LABOR SUPPORT
A LITTLE R AND R
ALLUSIONS SALON AND DAY SPA
AQUA THERAPIES, LLC
BAREFOOT MASSAGE
BEAUTY AND BEYOND DAY SPA
BELLA SPA, LLC
BODY AND SOLES
BODY WORKS BY KAREN CARTER
CHATTANOOGA NATURAL MEDICINE CENTER
CONCORDE COLLEGE

COUNTRY COTTAGE HAIR AND NAIL SALON
DEGAGE MASSAGE
DIANA MAYFIELD THERAPEUTIC MASSAGE
EMMANUEL WELLNESS SPA
FULL THROTTLE MASSAGE, INC.
GIFT OF TOUCH
GREENE OASIS
HAUTE SALON AND SPA, LLC
HEALTH TOOLS, LLC
HERBS AND VITAMINS
INTEGRATIVE WELLNESS
KNEADING BALANCE
LAURA S. WASHINGTON
MANHATTEN SALON
MASSAGE BY KIM
MASSAGE ENVY
MED AESTHETIC SPA
NATURAL HEALTH MASSAGE
OASIS WELLNESS, LLC
RELAX DAY SPA
RENEW
RENEW SPA BOUTIQUE
RENEWAL WELLNESS SERVICES (BOSCH ENT. INC)
RENEWAL WELLNESS SERVICES (BOSCH ENTERPRISES, INC.)
RENEWAL WELLNESS SERVICES AT BAPTIST SPORTS MEDICINE
RENU THERAPEUTIC MASSAGE
RENU THERAPEUTIC MASSAGE
ROSALEEN A. O'SULLIVAN
ROXANNE'S HAIR STUDIO
SANDY JOHNSON, LMT
SIDNEY STROUD AMES D/B/A BODI BASIX MASSAGE
SPATACULAR SALON AND SPA
SPORTS BARN INC.
STACY PAYNE, LMT
TELLICO PLAINS MASSAGE THERAPY AND RELAXATION CENTER

THE 400 SPA
THE BODY CONNECTION
THE BODY SHOP
THE DEVI CLINIC
THE EDGE
THE FITNESS CENTER LLC
THE HEALING PLACE
THE HEALTH ATTIC
THE LOOK HAIR SALON
THE PATH TO HEALING
THE SWANKY PLACE
THE VILLA DAY SPA AND SALON
TIPS N TOES NAILS
TRANQUILITY MASSAGE THERAPY
TRANQUILITY SALON AND SPA
TRUE RADIANCE SALON AND SPA
WAX NASHVILLE
WESTLEY WATERS

Massage Establishments Reinstated

ALL ABOUT MASSAGE
MASSAGE AND YOGA BY JILL
MASSAGE ENVY OF TENNESSEE, LLC
MASSAGE HAVEN
THERAPEUTIC HANDS

Ratification of Approved Continuing Education Courses

Ms. Jagers made a motion to ratify the following continuing education courses:

1. Tennessee Massage Therapy Law Continuing Education Course-2 hours, offered by Dee Vickers, LMT
2. Reiki I & II- 2 hours each, offered by Alternative Learning Technologies
3. Myofascial Release Techniques to Balance the Pelvis-6 hours, taught at the Encore Sports

Medicine Symposium in Birmingham, Alabama on July 17-19, 2008
4. Massage Ethical Principles and Boundaries-2 hours, offered by
Dee Vickers, LMT

Ms. Collins seconded the motion. The motion carried.

The meeting adjourned for the day at 2:30 p.m.

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

Location: 227 French Landing
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1st 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
Andrea Huddleston, Advisory Attorney
Elizabeth Miller, Director, Health Related Boards
Lisa Lampley, Director, Massage and Veterinary Boards

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

Financial Report

Ms. Miller handed out a financial report, provided by Ms. Allen, which provided statistical information for the last five years. Ms. Salyers asked where to locate the cost of the move from Cordell Hull Building to MetroCenter. Ms. Miller explained the cost would be under indirect costs in 2006. Ms. Lampley explained there has also been a rent increase with the move.

Licensure Denial Appeal

Ok Vickers/Caring Hands

The State was represented by Ms. Andrea Huddleston. Ms. Vickers was present and waived her right to an attorney. Ms. Vickers represented herself. Judge Tom Stovall presided over the case.

The hearing was held over from the August meeting to allow time to obtain a Korean speaking interpreter. Ms. Jae Lee was present to assist with interpretation when needed.

After hearing testimony, Ms. Collins noted that within the Allegations of Fact, the numbering was off, in that there were two number sevens. The numbering was corrected.

Ms. Collins made a motion to accept as Findings of Fact, the Allegations of Fact numbers 7, 8 and 9. Mr. Sluss seconded the motion. The motion carried.

Ms. Collins made a motion to accept as Conclusions of Law, Cause of Action numbers 13 and 15. Ms. Field seconded the motion. The motion carried.

Ms. Field made a motion that this license be denied based on 63-18-105 (b) (2). Ms. Mayton seconded the motion. The motion carried.

Ms. Salyers stated the Board's action was taken for the safety and protection of the public.

Consent Orders

George Cavaganaro, LMT, License # 2602

Ms. Andrea Huddleston, Office of General Counsel, presented the Consent Order that stated Mr. Cavaganaro pled guilty to and was convicted of four (4) Class A Felony counts of rape of a child in the Criminal Court of Davidson County, Tennessee. He was sentenced to twenty (20) years and is incarcerated at the Hardeman County Correctional Facility in Whiteville, Tennessee. In the Consent Order, Mr. Cavaganaro agrees that his license is hereby revoked effective immediately.

Mr. Sluss made a motion to accept the Consent Order. Ms. Collins seconded the motion. The motion carried.

Marjorie D. Oakley, LMT, License # 799

Ms. Andrea Huddleston, Office of General Counsel, presented the Consent Order that stated Ms. Oakley performed massages for compensation during the months of January 2008 through April 2008 in an unlicensed massage establishment. In the Consent Order, Ms. Oakley agrees to pay three (3) Type B civil penalties in the amount of five hundred dollars (\$500.00) each for a total of One Thousand Five Hundred Dollars (\$1,500.00). The civil penalties are due and payable within one (1) year from the date of the Order.

Ms. Collins made a motion to accept the Consent Order. Mr. Sluss seconded the motion. The motion carried.

Substance Abuse and Criminal Conviction Policies

Ms. Miller addressed the Board and explained the policy that the Dental Board had adopted concerning issuing licenses to applicants who are on probation. The Dental Board's policy allows the applicant to know if they are on probation when they appear, the license will be disciplined. Ms. Miller read a letter that is sent out from the Office of General Counsel. The Board was in favor of this type of policy and asked that Ms. Huddleston prepare a draft of the policies and bring back to the Board in February.

Being no further business, Mr. Sluss made a motion to adjourn. Ms. Collins seconded the motion and the meeting adjourned at 11:15 a.m.

Adopted by the Tennessee Massage Licensure Board on this the 9th day of February 2009.