

**MINUTES**  
**TENNESSEE MESSAGE LICENSURE BOARD**  
**November 8, 9, 2010**

November 8, 2010

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  
Pamela Edmond, Citizen Member

Member Absent: Marilyn Field, Citizen Member

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

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

**Minutes**

Mr. Sluss made a motion to approve the August 2 - 3, 2010 minutes as amended. Ms. Jagers seconded the motion. The motion carried.

**Discussion - Policy Regarding Applicants Currently on Criminal Probation**

Ms. Diann Smithson, Lighthouse Professional Services, addressed the Board and stated that up to fifty percent (50%) of applicants on criminal probation that have been granted a conditional license have been reported to Investigations for violating the conditions. Ms. Edmond made a motion to amend the current policy by removing the conditional license option for applicants currently on criminal probation. Ms. Mayton seconded the motion. The motion carried with Mr. Sluss opposed.

## Applicant Interviews

### Kendra Rathbun Zakkas/ Zakkas Massage Therapy

Ms. Zakkas appeared before the Board to give explanation as to why she answered “no” to the application question regarding any criminal convictions. Ms. Zakkas had a conviction in 1985 for driving under the influence. Ms. Collins made a motion, seconded by Ms. Mayton, to grant the license. The motion carried.

### Amy Hamiter/Relax Massage and Bodywork

Ms. Hamiter was unable to attend but submitted a written request that the Board consider her application in her absence. Ms. Hamiter had been requested to appear before the Board to give explanation as to why she answered “no” to the application question regarding any criminal convictions. Ms. Hamiter had a conviction in 1998 for driving under the influence. Ms. Mayton made a motion, seconded by Ms. Collins, to grant the license. The motion carried.

### David B. Hensley

The Board had previously deferred action on Mr. Hensley’s file due to a pending criminal charge. Mr. Hensley appeared before the board to request that his file be considered though the charges are still pending. Mr. Sluss recused himself. Mr. Marc Guilford, Board Attorney, advised the Board that they should only consider actual convictions and not pending charges. Ms. Jagers made a motion to refer Mr. Hensley to Lighthouse Professional Services to complete the prescribed program and to defer action on his file until the February 2011 meeting and to keep his application file open. Ms. Edmond seconded the motion. The motion carried.

### William Shawn Coopwood

The Board had previously deferred action on Mr. Coopwood’s file at the October 2009 board meeting until completion of his criminal probation. 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 the assessment indicated no alcohol or drug related problems. Ms. Edmond made a motion, seconded by Ms. Collins, to grant the license. The motion carried.

### Jenicia Lashun Brinkley

Ms. Brinkley appeared before the Board to give explanation regarding multiple convictions. Ms. Jagers recused herself. Based on information in Ms. Brinkley’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 Ms. Collins, to grant the license. The motion carried.

Sasha Marie Carr

Ms. Carr appeared before the Board to give explanation regarding multiple convictions. Based on information in Ms. Carr'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.

Shelly Marie O'Bryne

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

Lydia Cheryl Spirko

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

Shannon Leigh Clark

Ms. Clark appeared before the Board to give explanation regarding a 2005 conviction for bankruptcy fraud and the suspension of her law license. During the application process, it was discovered that the letter of recommendation received from Susanne Toyne, M.D. had been signed by Ms. Clark. Ms. Salyers made a motion, seconded by Ms. Jagers, to grant the license with the following conditions: license on probation until February 2013; must disclose the forged letter to the Board of Professional Responsibility; must remain in contact with Lighthouse Professional Services/Peer Assistance and appear before the Massage Board at its first meeting after March 1, 2013. The motion carried with Mr. Sluss opposed.

Daniel Gregory Sherman

Mr. Sherman appeared before the Board to give explanation regarding multiple convictions. Based on information in Mr. Sherman'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.

Peggy Christine Ledford

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

Ninette Menna Davis

Ms. Davis appeared before the Board to give explanation regarding multiple convictions. Based on information in Ms. Davis' file, she had been requested to contact Lighthouse Professional Services for an assessment. Ms. Smithson stated that she had not had enough time prior to this meeting to work with Ms. Davis; therefore, she could not advocate for her. Ms. Davis is currently on criminal probation until August 2011. Ms. Collins made a motion to defer action on the file until her probation is completed and that she appear back before the Board at the August 2011 meeting. Ms. Edmonds seconded the motion. The motion carried.

Nikesia Monique Floyd

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

Abigail Louise McFarland

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

Tammy Kay Mangum

Ms. Mangum appeared before the Board to give explanation as to why she answered "no" to the application question regarding any criminal convictions. Ms. Mangum had a 1994 conviction for disorderly conduct. Ms. Collins made a motion, seconded by Mr. Sluss, to grant the license. The motion carried.

George Fuller, III

Mr. Fuller appeared before the Board to give explanation as to why he answered "no" to the application question regarding any criminal convictions. Mr. Fuller had a 2002 conviction for

driving on a suspended driver's license. Ms. Salyers made a motion, seconded by Ms. Collins, to grant the license. The motion carried

Brenda Lee Robertson

Ms. Robertson appeared before the Board to give explanation as to why she answered “no” to the application question regarding any criminal convictions. Ms. Robertson had a 1993 conviction for forgery by passing. Ms. Collins made a motion, seconded by Ms. Edmonds, to grant the license. The motion carried.

**Administrator/Director Report**

As of September 30, 2010 there were 4,443 licensed massage therapists and 1,500 licensed massage establishments.

**LICENSE STATUS SINCE LAST MEETING**

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>JULY 2010</b></i>	<i><b>JULY 2010</b></i>
Newly Licensed – 26	Newly Licensed – 17
Reinstates – 8	Reinstates- 1
Retired- 16	Retired- 17
New Applications- 20	New Applications- 20

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>AUGUST 2010</b></i>	<i><b>AUGUST 2010</b></i>
Newly Licensed – 52	Newly Licensed – 17
Reinstates – 11	Reinstates- 1
Retired- 23	Retired- 15
New Applications- 51	New Applications- 20

<i><b>THERAPISTS</b></i>	<i><b>ESTABLISHMENTS</b></i>
<i><b>SEPTEMBER 2010</b></i>	<i><b>SEPTEMBER 2010</b></i>
Newly Licensed – 50	Newly Licensed – 29
Reinstates – 6	Reinstates- 1

Retired- 21	Retired- 13
New Applications- 79	New Applications- 37

Ms. Birkner reported that the lodging rate for Davidson County decreased from \$119.00 to \$110.00 effective October 1, 2010.

**Establishment Inspection Report**

There were seventy (70) inspections conducted in Middle Tennessee; sixty-nine (69) conducted in East Tennessee; and twenty-one (21) conducted in West Tennessee during the months of July – September, 2010.

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

- 1 establishment received a single deficiency for not having a copy of the massage therapist’s license
- 1 establishment received a single deficiency for not having a copy of the massage establishment’s license
- 1 establishment received a single deficiency for not having a smoke detector
- 1 establishment received a single deficiency for not having a visible smoke detector or paperwork of the smoke detector being built in
- 1 establishment received a single deficiency for the equipment not being clean
- 1 establishment received a single deficiency for not cleaning table daily
- 1 establishment received a single deficiency for not having a massage therapist
- 1 establishment received a single deficiency for having visible signs of dead insects
- 3 establishments received a single deficiency for not having a working fire extinguisher
- 1 establishment received deficiencies for not having a working fire extinguisher and for not cleaning table daily
- 1 establishment received deficiencies for not having a smoke detector and the public are being cluttered

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

- 1 establishment received a single deficiency for not having a 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 massage therapist
- 1 establishment received deficiencies for not having a smoke detector or fire extinguisher

-1 establishment owner did not show for the scheduled inspection

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

-1 establishment received a single deficiency for not having a copy of the establishment's license

-1 establishment received a single deficiency for not having a smoke detector

**Investigation/Disciplinary Report**

There are currently fifteen (15) open complaints for massage therapists. Five (5) complaints are awaiting review and ten (10) complaints are being investigated. There are nine (9) open complaints for establishments. Five (5) complaints are being investigated and four (4) complaints are ready for review. Seventeen (17) complaints have been closed and are pending court action.

**Financial Report**

A copy of the financial report was available for review. The financial report for FY2010 reflected revenue collections in the amount of \$625,737.50 for the period of July 1, 2009 thru June 30, 2010 and direct expenditures in the amount of \$325,764.39 as of June 30, 2010.

**Office of General Counsel Report**

The Office of General Counsel currently has twenty four (24) open cases pertaining to the Massage Licensure Board. The recently revised rules were submitted in early June 2010 to the Attorney General's office for review and approval.

**Discussion - Raindrop Therapies and Other Modalities**

Ms. Collins provided an explanation of raindrop therapy and board members discussed whether a policy was needed regarding this type therapy. Mr. Guilford stated he would draft a letter to the Tennessee Massage Therapy Association and the American Massage Therapy Association stating that manipulation of soft tissue for compensation is considered massage therapy.

**Clarification of T.C.A. §63-18-110(c)**

Ms. Karen Craig, LMT, submitted a letter to the Board requesting clarification of T.C.A. 63-18-110(c) in regards as to whether a therapist who is licensed in another state could provide massage therapy for compensation for up to thirty (30) days without a Tennessee license. After a lengthy discussion, Mr. Guilford stated he will research other states and bring the findings to the Board at its February 2011 meeting.

**Federation of State Massage Therapy Boards (FSMTB) Annual Meeting**

Mr. Sluss, Ms. Salyers, and Ms. Mayton attended the meeting held October 7 – 9, 2010 in San Juan

Puerto Rico. Mr. Sluss was the voting delegate. Topics of discussion at the meeting included: a national licensure database; human trafficking and sex trade; the state of California's website listing of schools that are either unaccepted or unapproved; continuing education approvals by FSMTB; and next year's annual meeting. Mr. Sluss informed members that the FSMTB was in the process of establishing a national databank using the services of Professional Credentialing Services and asked the Board to consider participating in any such databank.. After discussion, Mr. Sluss made a motion, seconded by Ms. Collins, to participate in the database. The motion carried. Ms. Mayton informed members that the Los Angeles Police Department plans to discuss human trafficking at next year's annual meeting scheduled to be held in September or October in Los Angeles, California.

The Board approved Ms. Mayton as the voting delegate and Ms. Jagers as the non-voting delegate to the 2011 FSMTB Annual Meeting. Ms. Collins made a motion, seconded by Ms. Edmond, for the full board and one (1) staff member to attend the meeting. The motion carried.

### **Discussion - Submitting Photographs with Applications**

In the rules packet currently under review at the Attorney General's office, photographs are no longer required to be submitted with the licensure application. Mr. Sluss expressed concern that if photographs were not submitted with the licensure application, the Board would not be able to positively identify someone appearing before the Board. Ms. Collins stated she doesn't feel that a photograph is needed and suggested that applicants appearing before the Board be required to show a photo ID at the meeting. No action in this matter was taken.

### **Discussion – Facebook Page for Board**

Mr. Sluss suggested the creation of a Facebook page as a way to dispense mass information to a large volume of people. The page would be informational only and would not allow for comments by viewers. The Board voted to pursue this issue. Board staff will research the matter and bring the information to the next meeting.

### **Discussion - Deadlines for Submitting Deficient Continuing Education Hours**

Ms. Birkner shared concerns of licensees who are audited not having sufficient time to complete the required hours when cited late in the continuing education cycle. The Board chose not to make any changes at this time.

### **Continuing Education Course Review**

The Board reviewed a request submitted by Anna McCollum, LMT, for approval of 6.5 continuing education hours for a course on Indian Head Massage held in Maidstone, England on June 12, 2010. Ms. Collins made a motion, seconded by Mr. Sluss, to approve the course. The motion carried.

### **Ratify Agreed Citation for Lapsed License**

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

#### **Heather Nicole Hershman, LMT**

Ms. Hershman agreed to pay civil penalties in the amount of \$100.00 for practicing massage therapy on a lapsed license.

#### **Calina Burns for The Woodhouse Day Spa**

Ms. Burns agreed to pay civil penalties in the amount of \$100.00 for operating a massage establishment on a lapsed license.

#### **Stephanie L. Custer, LMT**

Ms. Custer agreed to pay civil penalties in the amount of \$800.00 for practicing massage therapy on a lapsed license.

The motion carried.

### **Ratify Agreed Citations for Continuing Education Violations**

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

#### **Alice Lenore Power, LMT**

Ms. Power agreed to pay civil penalties in the amount of \$250.00 for failing to maintain sufficient continuing education.

#### **Shelly Scott Fuller, LMT**

Ms. Fuller agreed to pay civil penalties in the amount of \$275.00 for failing to maintain sufficient continuing education.

#### **Lorie A. Warren, LMT**

Ms. Warren agreed to pay civil penalties in the amount of \$200.00 for failing to maintain sufficient continuing education.

#### **Lee Howard Smith, LMT**

Mr. Smith agreed to pay civil penalties in the amount of \$200.00 for failing to maintain sufficient continuing education.

Elizabeth Ann Eaton, LMT

Ms. Eaton agreed to pay civil penalties in the amount of \$675.00 for failing to maintain sufficient continuing education.

Holly Renee Law, LMT

Ms. Law agreed to pay civil penalties in the amount of \$675.00 for failing to maintain sufficient continuing education.

The motion carried.

**Ratifications**

Ms. Jagers made a motion to approve all new and reinstated licenses for massage therapists and massage establishments issued from July 22, 2010 through October 18, 2010. Ms. Collins seconded the motion. The motion carried.

**Massage Therapists**

SUSAN DURAND ALDEN	MAEVE MARIE BROPHY
ASHLEY MARIE ALLEY	MICHAEL DEAN BROWN
LISA GAIL AMBUEHL	ADDIE LUCILLE BUCK
JESSICA MARIE ANDERSON	LAJUANA GUYANE BUNCH
MONICA LATRICIA ANDERSON	CINDY MARCELLA BURKEEN
THERESA KUHN ASMUSSEN	JOHN KEVIN CANADY
MICHAEL ALLEN BANKS	SHEILA DERENE CHANDLER
ASHLEY NACOLE BASS	NICHOLE ANN CLEAVER
NICHOL JO BAUER	KRISTA LYNN COBB
JODI KRISTINE BECHTEL	HEATHER CHANTEL COLEMAN
KARINA BELTRAN	FREDERICK SEBASTIAN COONS
GINA LYNN BERRIOS	LINDSEY MEREDITH COOPER
SIYOS BHIMSAKKA	HEATHER KRISTIN COVINGTON
RICKY DUSTIN BLANKENSHIP	DIANA CRADDOCK
SARA PAIGE BOLAN	CHELSEA MARIE CRAWFORD
HEATHER RENEE' BOURKNEY	ISABEL CRUZ
ABIGAIL KAY BRENNAN	PATRICK JOHN DALY

PATRICIA ANN DARITY  
ROBYN SARAH DARLING  
RYAN DAVIS  
STACY LYNN DEBOSE  
POK NAM DEGUZMAN  
WILLIAM I. DILLARD II  
WILLIAM JOSEPH DOBRA  
BRENDA MICHELE FELDMAN  
BRICE DILLION FISHER  
JACQUENETTE FLETCHER  
TAMARA ANN GENTRY  
STEPHANIE GORDON  
ANGELA MARCHELLE GRIFFO  
DENNIS GEOFFERY HADDOCK  
JOHN PAUL HARPER  
MARNA WANETTE HARRIS  
PAMELA LYNN HATFIELD  
HEIDI NICOLE HAUGHEE  
MARIA DEL CARMEN HERNANDEZ  
HEATHER MALAIKA HICKS  
ERIC SHANE HOGELAND  
ASHLEY NICOLE HOUSTON  
JANE E. HUNSBERGER  
HANAH NOEL JENKINS  
GAYLE ANN JOHNSON-NAES  
TERA JANE JOHNSON-SWARTZ  
AMBER LORRAINE JONES  
KARMEN ASHLEY KEITH  
TARA ANN KOBISK  
TERESA RAE LAWSON  
BRITTANY RENE A LEFEBVRE  
XIU YING LI  
CAROL ANN LINDSAY  
JAMES STEPHEN LINDSAY  
BRITNE TIERRA LONG

ELIZABETH ANNE LOOSMORE  
JESSICA JEAN LOWE  
BRANDI MASHEA LYKES  
TRACEE LYNN MALACHOWSKI  
COURTNEY M. MANDEVILLE  
REBECCA LYNN MATTHEWS  
KINDRA KAY MAYER  
TREVOR LANETTE MCKENZIE  
LYNNE MARIE MCLEAN  
KARI ANNE MCMULLIN  
ANTHONY JAY MEEKS  
DREW SPENCER MILLER  
JOSHUA DONALD MOORE  
RHONDA LYNN MOTSINGER  
AMANDA L. MUDAY  
LE SHANE MURRAY  
EMILA RAY NELSON  
AUDREY NESBITT  
SELENA DAWN NORRIS  
FRANKIE DANIELLE OLIVER  
AMANDA KATHERINE OMARTIAN  
BRITTANY LEIGHANN OSBORNE  
FANITA LYNN OVERSTREET  
CRYSTAL WEST OWEN  
DANIELLE ANN PARIS  
CHELSEA ELIZABETH PAYNE  
SANDRA ANN PETERS  
GUY F. PHILLIPS JR.  
MIRANDA ROSE PRATER  
JESSEA DAWN PRICE  
STEVEN DWAYNE PRIESTER  
CAITLIN RENE' RANCHINO  
ANGELA CURL REAVES  
LINDA RENEE REED  
ROCHELLE RENEE' RICHARDSON

LOUISE THACKSTON RIKARD  
APRIL MARIE ROBINSON  
DINA JOYCE ROBINSON  
MONIQUE NOLITA ROBINSON  
NISHA NIKUNJ ROY  
MARIJEAN SUZANNE RUE  
KENNETH C. SCHELLHAMMER  
SUSAN LESLIE SCHOTT  
KELLY MARIE SCOTT  
KIMBERLEY RENE' LYNN SMITH  
STACEY DEWAYNE SMITH  
RONNIE LEWIS SNEAD  
MICHEAL LEE SPEER  
AMANDA HELENE STARK  
HEATHER LEANNA STEWART

CAROLYN RUTH SUMPTER  
MELISSA MARIE SWANSON-CAMPOS  
BRADLEY LAVERN THOMPSON  
ROBERT LANSING THOMPSON III  
ASHLEY MARIE TOOTHMAN  
KRISTEN VALENTINO  
LINDSAY E WEAVER  
SUSAN RENEE WELBORN  
MARY BETH WELLS  
SHASHANA G.C. WELLS  
TIFFANY RENE LYNN WHITE  
MARY JOANNA WILLIAMS  
SHANNON LAMBERT WYATT  
WENDY KAYE YOUNG

**Massage Therapists Reinstated**

CAROLE ARMS  
KATHY JEAN BLACKSTOCK  
LISA STEELE BROWNE  
GLENDA LOU BRYAN LMT  
LAURA LYNNE CHESSOR  
ROBERT ROY FERGUSON  
ROB GLENN GARNER III  
NICOLA MALEY GRIFFIN  
HEATHER NICOLE HERSHMAN  
REBECCA DAWN HUGHES  
REBECCA A. KAHN  
DEBRA HELEN KANTER  
SIMONA JENESE KENDRICK  
KEITH DALE KIRKLAND  
PATRICIA ANN LITTLEJOHN

BRET ALAN LONOW  
BERNARD G MERRELL  
CHERILYNN KAYE MORRIS  
KRISTIN RAY MORRIS  
SHARON RENA NEELY  
CHRISTOPHER LAMONT PENNINGTON  
JENNIFER KAY REEVES  
CONNIE G. RICHMOND  
AMANDA ESTHER RICKARD  
DANIELLE MARIE RUFENER  
JENNIFER C. SCHMIDT  
RUSSELL WAYNE STEELE  
KENDRA LENICE THOMAS  
CAMILLE MARIA WADE MT

**Massage Establishments**

A TOUCH OF SERENITY

ALGOOD NUTRITION AND WELLNESS CENTER  
APPLE HEALTHCARE GROUP, P.C.  
APPLE HEALTHCARE GROUP, P.C.  
ARCH 2 ARCH  
ART OF TOUCH  
AURORA MASSAGE  
BACK PAIN RELIEF CLINIC, INC.  
BALANCE SANCTUARY  
BODYWORK AND MLD THERAPY AND EDUCATION CENTER, INC  
CAPABLE HANDS MASSAGE  
CENTER FOR COMPREHENSIVE MEDICINE  
CIS PHYSICAL THERAPY  
CK HAIR STUDIO  
CLASSIC CUTZ  
CUMBERLAND FAMILY PRACTICE  
CUSHIE STOIKA LMT  
DAVID MITCHELL THERAPEUTIC MASSAGE  
EAST END BODY SHOP  
EDEN SPA AND SALON  
ELIZABETHTON MASSAGE AND BODYWORK  
FARON'S OASIS HAIR STUDIO AND SPA  
G & K MASSAGE CENTER  
GARRETT MANRY STUDIOS  
GLENDA BREAK MASSAGE THERAPY  
GYPSY HANDS HEALING ARTS CENTER  
INTERNAL BALANCE INC.  
JESSY'S NATURALS  
JOURNEY CENTER FOR HEALING ARTS  
JTF, INC/DBA SNAP FITNESS  
K BLOSSOM  
KARNS MASSAGE AND BODYWORKS  
KNEAD FOR TOUCH MASSAGE  
KRISTAN KNAPP  
MASSAGE BY DAVID  
MASSAGE EAST

MASSAGE ENVY OF BRENTWOOD  
MASSAGE THERAPY STUDIO  
MCKENZIE FAMILY CHIROPRACTIC  
MEDICAL EDUCATION ASSISTANCE CORP.  
MICHELE DANIEL DBA HEALTH TOUCH FOR SENIORS  
MT. JULIET CHIROPRACTIC, PC  
NEW EYES SKIN CARE SPA  
PERFECT TOUCH HAIR AND NAIL SALON  
POPLAR CREEK SPA  
PREMIER FAMILY CHIROPRACTIC  
PREMIER SALON AND SPA  
RADIANT SALON LLC  
RELIEVE MASSAGE THERAPY  
RHAMA:THE CENTER OF HEALING ARTS  
RIVERGATE ENCHANTED MED SPA  
ROBBIE WISEMAN, LMT DBA THERAPY WISE  
SAILLE HEALING PATH  
SALON BIOR  
SERENDIPITY DAY SPA  
SIMPLE ELEMENTS THERAPEUTIC MASSAGE  
ST. MARY'S PHYSICAL & CARDIAC REHABILITATION CENTER  
TANGELA BLUM  
TAOMAE  
TENNESSEE SPINE AND PERFORMANCE ENHANCEMENT CENTER  
THE RETREAT AT PREMIER WOMEN'S WELLNESS  
THE THERAPY CENTER, INC DBA MARINO THERAPY CENTERS  
THE VILLAGE BARBERETTES-THE VILLAGE GREEN, LLC  
THE WELLNESS CENTER AT DOWELL SPRINGS  
TRADITIONAL HEALTH CLINIC  
WISTERIA THERAPEUTIC MASSAGE AND UNIQUE GIFTS

**Massage Establishments Reinstated**

ALGOOD NUTRITION AND WELLNESS CENTER  
ALMA KING LMT

BRISTOL FAMILY YMCA  
THE WOODHOUSE DAY SPA

### **Consent Orders**

#### **Andrea Borja**

Ms. Borja was not present and was not represented by counsel. Mr. Marc Guilford, Assistant General Counsel, presented the Consent Order to the Board for ratification. Ms. Borja agreed that she advertised massage therapy services in or about September 2009 and that she performed massage without a license. Ms. Boria agreed to pay one (1) Type A Civil penalty in the amount of five hundred dollars (\$500.00) and to cease and desist from the practice of massage in Tennessee unless and until she obtains a massage therapist license and, if necessary, a massage establishment license. Mr. Sluss made a motion to accept the Consent Order. Ms. Jagers seconded the motion. The motion carried.

#### **Norma Stricklin, Owner, Studio Larue and Day Spa**

Ms. Stricklin was not present and was not represented by counsel. Mr. Marc Guilford, Assistant General Counsel, presented the Consent Order to the Board for ratification. Ms. Stricklin agreed that she knowingly employed unlicensed individuals who performed massages on paying clients at her establishment. Ms. Stricklin agreed to pay four (4) Type A civil penalties in the amount of five hundred dollars (\$500.00) each for a total of two thousand dollars (\$2000.00). Ms. Edmond made a motion, seconded by Mr. Sluss, to accept the Consent Order. The motion carried.

### **Approved Continuing Education Courses**

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

1. Tennessee Massage Law and Rules-WEBINAR-2 hours by Maj-Lis Nash, LMT, Mind Body Connection
2. Bodymind Communication Skills-13 hours by Mary McDaniel, LMT, Cumberland Institute of Holistic Therapies
3. Tennessee State Law For Massage Therapists- 2 hours by George Sampsel, Tennessee School of Therapeutic Massage

The motion carried.

### **Federation of Associations of Regulatory Boards (FARB) Annual Meeting**

The 35<sup>th</sup> Annual FARB Forum is scheduled to be held January 28 – 30, 2011 in New Orleans, Louisiana. Ms. Collins made a motion, seconded by Mr. Sluss, to send Mr. Marc Guilford, Board Attorney, to the meeting. Mr. Sluss seconded the motion. The motion carried.

## **Board Correspondence**

The Board reviewed correspondence from a chiropractic physician asking if it is acceptable to have a licensed massage therapist function as a chiropractic therapy assistant in a chiropractic office and whether an establishment license would be required. Ms. Salyers made a motion, seconded by Ms. Jagers, to send a letter of reply stating he should cease and desist the practice of massage therapy in an unlicensed establishment; trigger point and myofascial release techniques constitute massage therapy; an establishment license must be obtained; and informing him that a copy of the letter will be forwarded to the Board of Chiropractic Examiners for their review/action. The motion carried.

The Board reviewed a letter from Elaine Hackerman, LMT, regarding inspections and massage establishment licenses. Ms. Salyers made a motion, seconded by Ms. Collins, to send Ms. Hackerman a letter thanking her for her input stating that the Board finds no action is necessary at this time. The motion carried.

The Board reviewed a letter from Gail Felts, LMT, supporting the massage establishment license. Ms. Salyers made a motion, seconded by Ms. Edmond, to send Ms. Felts a letter thanking her for her input and stating that the Board agrees that the licensing of massage establishments should remain in effect until further notice. The motion carried.

The Board reviewed a letter sent on behalf of the Miller-Motte Technical College from Betty Demers, Vice President of Educational Services, Delta Career Education Corporation, concerning the release of SOAP notes, or other notes or records, prepared by unlicensed students. Mr. Guilford stated it was not within the Board's purview to interpret laws other than those which govern massage therapy. Ms. Jagers made a motion, seconded by Ms. Edmonds, to respond that the Board's practice act and rules take no position upon whether SOAP notes should be disclosed upon request. The motion carried.

Being no further business, the meeting adjourned at 5:05 p.m.

**MINUTES**  
**TENNESSEE MASSAGE LICENSURE BOARD**  
**November 8, 9, 2010**

November 9, 2010

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  
Pamela Edmond, Citizen Member

Members Absent: Marilyn Field, Citizen Member

Staff Present: Dianne Birkner, Board Manager  
Marc Guilford, Board Attorney  
Lisa Lampley, Board Director

The meeting was called to order at 9:10 a.m. by Ms. Phyllis Salyers, Board Chairperson.

**Contested Case**

**OkHui Vickers, LMT**

Ms. Vickers was not present and was not represented by counsel. Mr. Marc Guilford, Assistant General Counsel, represented the State. The proceedings were presided over by Administrative Law Judge Bettye Springfield. Mr. Guilford submitted proof that Ms. Vickers had been duly notified of the hearing, and he moved for default. The motion for default was granted.

Ms. Vickers pled nolo contendere on or about July 16, 2001 to the offense of Giving Massage in a Place of Prostitution and did not disclose the conviction on her application for a massage therapist license. The State presented testimony from Ms. Dianne Birkner, Board Manager, regarding Ms. Vickers' licensure file.

After deliberations, the Board moved to accept the findings of fact and conclusions of law proposed by the State. Ms. Salyers made a motion, seconded by Ms. Jagers, to assess civil penalties in the amount of one hundred dollars (\$100.00) plus costs of the proceedings not to exceed \$2000.00. The motion carried. Mr. Sluss made a motion, seconded by Ms. Collins, to permanently revoke Ms. Vicker's massage therapist license. The motion carried.

The Board requested that a discussion regarding letters of recommendation and continuing education audit percentages be placed on the next meeting agenda.

Being no further business, the meeting adjourned at 10:00 a.m.

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Chris Sluss, LMT, Secretary